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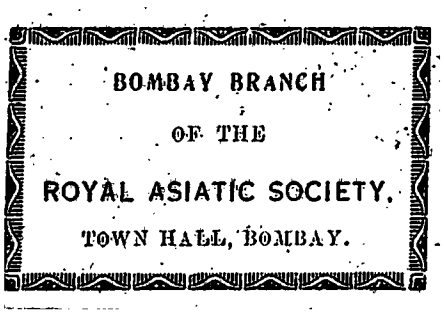

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A COLLECTION

OF

TREATIES, ENGAGEMENTS, AND SUNNUDS

RELATING TO

INDIA AND NEIGHBOURING COUNTRIES.

COMPILED BY

C. U. AITCHISON, B.C.S.,

UNDER-SECRETARY TO THE GOVERNMENT OF INDIA IN THE FOREIGN DEPARTMENT.

10E378

VOL. VII.

CONTAINING

THE TREATIES, &c., RELATING TO TURKISH ARABIA, THE PERSIAN GULF, ARABIA, AND AFRICA.

REVISED AND CONTINUED UP TO THE PRESENT TIME

BY

LIEUTENANT A. C. TALBOT, B.S.C.,

ATTACHÉ IN THE FOREIGN DEPARTMENT.

CALCUTTA:

RE-PRINTED AT THE FOREIGN OFFICE PRESS.

1876.

PREFACE TO REVISED EDITION.

THE Capitulations with Turkey, the Foreign Jurisdiction Act of 1843, the Indian Foreign Jurisdiction and Extradition Act of 1872, and the Slave-Trade Circular of 15th December 1875, though not properly within the scope of this collection, have been included in the Appendices in the belief that they will be found useful for purposes of reference.

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ARABIA
AND THE EASTERN COAST
OF
AFRICA
Scale 320 Miles = 1 Inch.
REFERENCE.
British Territory (Aden and Perim Islands) PINK.
All other colors, independent.
TURKISTAN
KHIVA
BUKHARA
PERSIA
ISPAHAN
TEHERAN
KASBIN
TABREEZ
Tabriz
Caspian Sea
Asterabad
Meshed
AFGHANISTAN
BELOOCHISTAN
Khorassan
FARSISTAN
Bushire
Bunder Abbas
Kerman
YEZD
Shiraz
TURKEY
SYRIA
DAMASCUS
BAGDAD
Mosul
HAMADAN
IRAK AJEMI
EGYPT
CAIRO
Alexandria
Suez
Red Sea
ARABIA
El Yemamah
Desert extending from Mecca to Oman
Hajeman
Beled es Zoheir
el Akhdar
Ras el Had
Masera I.
Maha
Kuria Muria Is.
ARABIAN
SEA
NUBIA
MEROE
ABYSSINIA
ABESHOOR
Gondar
Adowa
Aden
GULF OF ADEN
Socotra
Tamarind
Ras Asser
Ras Hafoon
Ras Mokher
Ras el Khyle
Ras Gardafui
Ras Aseeb
Ras Awaad
Ras Assood
Wagadain
Marabon
Ras Hafoon
Ras Mokhaim
Ras Fartak
Ras Sharbethat
Ras Dharbat Ali
Ras Morbat
Ras Rakhut
Ras Sejer
Ras Hasik
Ras Mesenah
Ras Ghubbet Hanish

PART I.

TREATIES AND ENGAGEMENTS

RELATING TO

TURKISH ARABIA AND THE PERSIAN GULF.

TURKISH ARABIA.

THE relations of the British Government with the Pashas or temporary Governors of Bagdad are regulated more by the requirements of European than of Indian diplomacy, and by the obligations recorded in the Treaties between Great Britain and Turkey, which are beyond the scope* of this collection. But in connection with the early trade in the Persian Gulf, direct intercourse was for many years maintained with the Governors of Turkish Arabia without much consideration of their relation to Constantinople. In the year 1639 there seems to have been an English factory at Basrah subordinate to the factory at Gombroon and protected by firmans. In 1728 Mr. French, the Agent at Basrah, obtained a firman conferring on the Agent power to try the servants of the factory who were guilty of crime, and providing for the adjustment of claims on the people of the country; and in 1731 he obtained another firman, fixing three per cent. as the duty to be taken on English goods at the port of Basrah. But the first firman on record is one granted in 1759 (No. I.) by the Pasha. The factory at Basrah was never recognized by the Sublime Porte till 1764, in which year the ambassador at Constantinople, with much difficulty, obtained a consulary Barat (No. II.) as the only efficacious means of protecting English commerce and the property of English subjects at Basrah.

In 1765 it was proposed permanently to appoint an Agent at Bagdad, but the proposal was disapproved by the Court of Directors. In 1783, however, a native Agent was appointed, and in 1798 a Resident, whose chief

* For facility of reference however the Capitulations have been extracted from Hertslet's Treaties Vol. II. and included in the Appendices to the present edition. See Appendix No. I.

duty was to transmit intelligence overland between India and England, and to watch and report on the proceedings of the French emissaries in connection with Napoleon's projected invasion of India by way of Egypt and the Red Sea. In 1802, on the death of Suleiman Pasha, who had governed Bagdad for twenty years, and the appointment of his son-in-law Ali Pasha to succeed him, Lord Elgin, Her Majesty's ambassador at Constantinople, took the opportunity to procure a consulary Barat (No. III.) for the Resident at Bagdad, whose appointment had till then never been sanctioned by the Sultan.

On the rupture between England and Turkey in 1807, Suleiman Pasha, who had succeeded to the government of Bagdad on the murder of his uncle Ali Pasha, took the Residents at Basrah and Bagdad under his protection and persuaded them not to withdraw from the country. But after the conclusion of peace in 1809, he, for some reasons unknown, committed himself to a series of indignities and insults towards the Resident at Bagdad, which compelled the latter to withdraw. Friendly intercourse was not renewed till, on the remonstrance of the Bombay Government, the Pasha, on 25th January 1810, subscribed certain conditions (No. IV.) binding himself never to interfere in the affairs of the Residency and to restore the former privileges of the Resident.

The Bagdad and Basrah Residencies were amalgamated in 1810; and in 1812 the designation of Resident was changed to that of Political Agent in Turkish Arabia. Two decrees were obtained from the Pasha in 1812, one (No. V.) for preventing the desertion of sailors and workmen from British ships at Basrah, and the other (No. VI.) for the restoration of natives of India carried off to Basrah as slaves.

Suleiman Pasha was deposed from office by order from Constantinople. Refusing to obey, he was defeated in battle and slain on 5th October 1810. His successor Abdoollah Pasha was put to death by the Montafik Arabs in 1813, and Syud Beg was proclaimed Pasha. On receiving an order from Constantinople deposing him from office, he rebelled, but was defeated and put to death, and succeeded in the government by Daood Effendi. The conduct of this Pasha towards the Political Agent was so insulting and overbearing, that it was impossible to land goods at Basrah, or to recover debts from native dealers, without an unseemly quarrel. In 1821 he besieged the Residency. He afterwards removed

the restrictions on the movements of the Political Agent and permitted him to withdraw from the country. The establishments at Basrah were withdrawn. Friendly relations with the Pasha were broken off, and not renewed till the Pasha agreed (No. VII.) to restore the former tariff, to repay all he had levied in excess of it, and the value of all goods injured or destroyed, and to treat future Agents of the British Government and all travellers with respect.

On 12th June 1831 Daood Pasha was removed from office and Hajee Reza Pasha was appointed in his stead.* On his accession he issued a Booyooroldi or order (No. VIII.) confirming the privileges enjoyed by British subjects. In 1834 a scheme was formed for overland communication between India and England by the Persian Gulf and Turkish Arabia. Two steamers were sent out from England to open the route and navigate the Euphrates. A Firman (No. IX.) was granted by the Sultan of Turkey for the protection of the steamers. In addition to these two vessels an armed despatch boat, the *Comet*, was for many years attached to the Residency for service in the waters of Turkish Arabia. In 1864 the Porte sanctioned provisionally the continued stay of the *Comet* and in 1869 consented (No. X.) to a new vessel of war being sent to replace her.

In 1835 the Political Agent in Turkish Arabia, who had hitherto been under the Bombay Government, was put directly under the control of the Supreme Government. In 1841 Consular powers were conferred on the Agent by Her Majesty's Government. The exercise of those powers is now regulated by the Order in Council of 12th December 1873.*

The measures which the British Government adopted for the suppression of the slave trade in the Persian Gulf could not be made effectual so long as the Turkish ports remained open to vessels engaged in the traffic. In 1847, therefore, Her Majesty's Minister at Constantinople obtained from the Sultan a Firman (No. XI.) which was supplemented by vizierial instructions to Nujeeb Pasha, then Governor of Bagdad. These documents authorized the confiscation of Turkish vessels engaged in slave traffic, the exclusion of Arab and Persian slavers from Turkish ports in the Persian Gulf, and the delivery of liberated slaves to British vessels to be carried back to their native country.

* See Appendix No. II.

In October 1863 an Engagement (No. XII.) was made with the Sublime Porte for the continuation of lines of telegraph from Bagdad to Basrah and from Bagdad to Khanakeen, in order to meet the Indian telegraph by way of the Persian Gulf and the line through Persia to the Turkish frontier: and in 1864 a Treaty (No. XIII.) was concluded between Great Britain and Turkey for establishing a telegraphic communication between India and the Ottoman territory.

No. I.

TRANSLATION of SOLEIMAN PASHA'S GENERAL FIRMAN.

To the chief of the Siads, Zous, and Freeholders, our Aga, the Motusullim of Bussora, for the time being (whose state God increase), be it known unto you that my commands are as follows:—In the city of our great Sultan called Bussora, there is an English Balios, or chief of the merchants, &c., his nation being in peace with our high Porte (whose grandeur God continue everlastingly); therefore, there in his hands the high and respectable capitulations of our lofty Porte, to which all submission must be paid, and it behoves all men to obey the orders therein contained. Therefore, in the manner that it is commanded and ordered in said high capitulations, article by article, whether regarding the customs and all things relative thereto, or whether regarding other matters, or whether the respecting, favouring, assisting, and protecting the said English Balios and his effects agreeable to the said high capitulations, you must, as ordered by our great Sultan, in all things conform and pay obedience thereto, and you must not in any the least respect depart from, or act contrary to, said respected capitulations; and this our Booyooroldi or order I send you for this purpose. When it arrives you be it known unto you that it is by us directed that, conformable to the said high capitulations, which are the commands of our great Sultan, the English Balios you are to aid, assist, and protect, and in all other respects you are to pay obedience thereto, and from the letter of the said high capitulations you must not in any respect depart, and agreeable to this our order or Booyooroldi you are commanded to act.

L. Signandi.
Mohurum
1173.

No. II.

LITERAL TRANSLATION of the IMPERIAL FIRMAN constituting ROBERT GARDEN, ESQ., CONSUL in BUSSORA, issued on the 27th day of the month SUFFER in the year of the HEGIRA 1178.

(Sd.) SAMUEL MANESTY,
Resident.

In these times the English ambassador residing at our Court, Henry Nevile, Esq., has presented to us a formal memorial to the following effect, that the English Envoys at Aleppo, Alexandria, Tripoli in Syria, the Grecian Islands, Tunis, Tripoli in Barbary, Scio, Smyrna, and Egypt, and all the

other considerable town having scales or ports in our dominions, may have the power of appointing Consuls of their own nation; and, in the event of their choosing to change any of them and appoint others in their room, that no person may be permitted to interfere or to prevent such an arrangement. Now, be it known that former agreements have established this. Moreover, it appears that before the present period the East India Company had sent a person to Bussora, by name William Shaw, Esq., to represent them and superintend their affairs, who has not possessed of any Consulary Birat; but upon the expiration of his period of service and his removal, they appointed in his room the bearer of these royal letters, Robert Garden, Esq., who was also furnished with a Commission from the Company. Now, according to the tenor of former engagements as well as in compliance with the wishes of the ambassador, it became proper and necessary to deliver the Birat in question into his hands. We have accordingly consigned to him our royal diploma.

According to what we have written, the aforesaid Robert Garden, Esq., is constituted British Consul, under the regulations to be here explained by us as well in regard to his latitude of action, as the conduct to be observed towards him.

1*st.*—He is nominated and appointed Consul in Bussora.

2*nd.*—He shall have full and sole power of taking cognizance of all affairs concerning those of the nation to which he belongs, such as captains of ships, merchants, and also all who may be under the protection of the English flag; all matters relating to the above are to be under his peculiar care.

Without his express written order, no English vessel shall be permitted to come to Bussora.

The servants of the Consul shall not be subject to the poll tax or any other species of tax or tribute. Their butchers shall not pay any duty, and, in fine, the aforesaid description of persons must be protected from any kind of contribution.

In the event of their purchasing male and female slaves, they shall also be exempted from the above-mentioned duties.

No person shall interfere in respect to their furniture, their eatables or drinkables, for these have been privileges of old standing; such articles too shall be free from customs.

No person shall dare to imprison or put in fetters the Ambassador, the Consul, or their Agents, neither shall they seal up their houses; and should the Consuls where they reside have with them a military detachment, and wish to place them in separate houses, let none molest them for so doing.

We repeat that their male and female servants are to be exempted from taxes, as are their butchers from duties, all which exemptions are of old.

In the event of the Consul conceiving himself aggrieved, or any person having cause of complaint against him, we, in conformity to former agreements,

hereby order that the matter shall be referred to our Court for decision, and that you shall not hear the discussion elsewhere.

Should the aforesaid Consul happen to travel, in whatever part he may choose to visit, either by sea or land, he, his suite, servants, cattle, and goods shall be sacred from any harm, and upon his return, should he, from not being provided with a stock of necessaries, wish to make requisite daily purchases on the road, let none refuse to supply him, or dare to engage in disputes with him.

In places where danger may be apprehended, they shall be permitted to wear the turban and the sword, to ride on horseback, to carry the bow, spear, and all the appurtenance of war, and whatever Cathies or others should see them so provided, they are not to molest them.

But should they exceed the bounds of these agreements, privileges and concessions, you are to check and prevent them, for such salutary restraint and observance of good order is necessary.

To all future times these regulations and instructions shall be valid, for we will not suffer the least infringement thereof, nor shall we sanction any excess.

Birat or Consular Commission.

We, the Right Honourable Henry Grenville, Ambassador to His Majesty the King of Great Britain, at the Ottoman Porte, &c., &c.

To all whom these presents may concern greeting.

L. S. H. GRENVILLE.

Having judged it very proper and necessary to grant this present for the service of the Honourable English United East India Company, as also for the better security and prosperity of their affairs in trade at Bussora, and also when in the Ottoman dominions, as also to secure and assure a protection to all persons in the respective Residencies of their Agents and Ministers, that from thenceforth there be established a Consul with ample and full power over all belonging to his charge to execute the above-mentioned.

Be it therefore known that we, by virtue of authority granted us by royal letters patent under the great Seal of Great Britain, and conformable to an Imperial Birat granted by the emperor's Sublime Porte and the Sultan Mustafa, son of Sultan Ahmed, always victorious: By these presents we declare

and acknowledge the illustrious Mr. Robert Garden, the present Agent of the said Honourable Company (or also their future Agents), and whoever be Agent in future and whoever be British Consul for transacting their affairs in the city of Bussora, or other places thereto belonging, or dependent thereon, granting, however, to the said Mr. Robert Garden, or even to any who shall be Agent in future, full and ample power in all things belonging to his charge, and in this respect we order all His Britannic Majesty's subjects to acknowledge him in other quality of British Consul, praying their Excellencies the Honourable Pasha and other Officers, Ministers, and Magistrates of the Ottoman Empire, to whom these presents shall be shown, to suffer them freely to enjoy and amply and peaceably to enjoy their Consulship, and to aid them with their assistance, protection, and favour, whenever their occasions lead them to have recourse to them, conformable to the good and ancient friendship subsisting between the Crown of Great Britain and the Sublime Porte and conformable to the sacred capitulations.

In faith of which we have signed these presents with our own hands and have caused it to be countersigned by our chief Secretary, applying thereto the royal Seal of our embassy.

Done in our palace of Pera at Constantinople this 29th August 1764.

No. III.

TRANSLATION of an IMPERIAL OTTOMAN DIPLOMA granted to HARFORD JONES, ESQ., BRITISH CONSUL of BAGDAD and the ENVIRONS.

At the request of Lord Elgin, English Ambassador to the Sublime Porte, in a memorandum given to us by him, to wit, that in consequence of the capitulations, the English Minister having named Consuls at the ports of Aleppo, Alexandria, Tripoli of Syria, Algiers, Tripoli of Barbary, Tunis, Scio, Smyrna, Egypt, and other ports requiring custom houses, and wishing shortly to change or replace them by others, and having for the present assigned and established as Consul in the city of Bagdad and its environs, Harford Jones, Esq., a British subject, and residing in the said city of Bagdad, in order to protect the affairs of British merchants established there, or of travellers, we have given him our Imperial Birat in conformity with the requisitions of the said capitulations, confirming and ordaining the said Harford Jones, Esq., as Consul in the said city of Bagdad, that in conformity with the said capitulations the affairs of merchants and travellers under the protection of the British flag in this country, in cases of difficulty arising, should be referred to him, and that the departure of all vessels should take place only under his cognizance,

and that no public servants under his orders should be molested under the pretext of tribute, or certain regulations entitled *Kharatz*, neither of others named *Avariz*, nor of such as is levied by ships called *Cassab Akeessi*, or other arbitrary impositions called *Tekialifi Orfye;* that no one shall exact the *Kharatz* nor other dues for male and female slaves in his service, and that no person shall interfere nor obstruct the domestic affairs of the said Consul, but, on the contrary, they shall be free from all impositions according to the prevailing customs, neither shall they be subject to the customs or excise duties; that the Consul being established by the British Ministers is not subject to imprisonment; that his house cannot be closed or searched, or have any body of troops lodged therein; that assistants and slaves belonging to him shall be free and exempt from *Kharatz* and *Avariz, Cassab Akeessi, Tekialifi Orfye;* that any complaint made by any person against him shall be referred to us and cannot be disposed of by any other means; that should the said Consul find it necessary to travel into any part of the country, either by land or by sea, at any stations or ports he may arrive at, no one shall molest him or his servants, or cattle, or baggage, guides, or any thing connected with him; that any captain of country vessels on being paid shall be compelled to carry his provisions according to the prevailing regulations, and that no one shall seek pretext for disputes against him; and that in dangerous parts of the country he be allowed to wear a white turban, sabre, bow, or other warlike instruments.

That all judges and commandants or others shall not molest him, but shall assist and protect him, and shall prevent any one from throwing obstacles in his way, and always behave towards him in conformity with the capitulations, and that no one shall presume to oppose, but, on the contrary, shall give every credence to this decree, given under our most respectable and noble Seal.

Given under our hand this 7th day of the moon of Rejib 1217; *that is to say, 2nd November* 1802, *at our city of Constantinople.*

No. IV.

LITERAL TRANSLATION of the TURKISH NOTE delivered in by the RESIDENT to the PASHA as the TERMS on which the RECONCILIATION was to be EFFECTED, to the CONTENTS of which the PASHA signified his unqualified ASSENT.

ARTICLE 1.

The Pasha must renounce all species of authority or command in any shape over the Resident, as such is neither warranted either by usage or the treaties.

ARTICLE 2.

The Pasha shall never, on any pretext whatever, interfere in any manner with the affairs and arrangement of the Resident respecting his establishment, his customs and rights, his beating drums, &c., &c., and there shall be, on no account, objections made to any of the Resident's orders, as such matters in no way concern the Pasha, nor come under his cognizance; particularly there shall be no objection made to the celebration of His Britannic Majesty's birth-day in the most public manner, with all the necessary ceremonies. In a word, there shall be no species of objection or interference in any of the Resident's states and ceremonies.

ARTICLE 3.

The Pasha shall never prohibit the customary interchange of visits between the great officers of the Turkish Government and the Resident.

ARTICLE 4.

The Resident has never, nor will ever, show the least disposition to any undue interference in the Pasha's affairs or government, and will show every readiness to comply with the Pasha's wishes, provided they do not interfere or are not contrary to any of the Articles of this Treaty, or the interests of the British Government; and so it is agreed for the benefit of both parties.

ARTICLE 5.

Whenever the Pasha shall have any business with the Resident, he shall make it known to him by one of his own confidential men of rank; also should the resident ever have any important business, and demand confidential persons on the part of the Pasha to converse with, there shall be no objections made to it, and the person required shall be immediately sent; the benefits arising from this Article are clearly reciprocal.

ARTICLE 6.

There shall be no equivocation in any of these Articles. Should any doubts hereafter arise relative to any particulars contained in the Articles (especially Article 2), the explanation of it shall be in favour of the Resident.

No. V.

DECREE of the PASHA of BAGDAD in 1812 for PREVENTING the DESERTION of SAILORS at BUSSORA.

It is declared that the sailors and those who work on board the cruizers and merchant ships of the British Government, sometimes by drunkenness or

other offences, incur the displeasure of their captains, and become liable to just and necessary punishment and correction; and moreover, be it known that should the sailors or workmen aforesaid, in order to escape such chastisement, take refuge with, and expect protection from, either yourself or the head captain of Shutel Arab (vulgarly called the captain Pasha) you shall by no means afford them protection, but deliver them up to the Agent at Bussora of the esteemed Resident of the British Government at Bagdad, in which intention this order has been written, decreed, and transmitted. When this shall reach you by the power of the Most High, you will immediately regulate your conduct and act by the decree contained in it.

No. VI.

DECREE of the PASHA of BAGDAD in 1812 for the restoration of NATIVES of INDIA brought to BUSSORA as SLAVES.

It is declared that, in consideration of the amicable relations subsisting between the sublime government of perpetual strength and internal stability (*i.e.*, the Porte) and the British Government, whose friendship it behoves us to cultivate, should the captain or crew of ships trading on the seas, whether belonging to Bussora or Muscat, steal and bring subjects of the aforesaid government in India, either males or females, natives of India, for sale at Bussora in the manner of negro male and female slaves, and the Agent of the esteemed Resident at Bagdad for the British Government established at Bussora prove that the aforesaid male and female slaves are not negroes, but natives of India, who have been kidnapped, they shall be taken from the hands of the thieves and despoilers and delivered up into his hands, and for carefully establishing this clear law in the government this order is written, decreed, and transmitted with the power of the Most High. When this shall reach you, you will immediately regulate your actions and conduct by the Articles contained in it.

No. VII.

TRANSLATION of a LETTER from HIS HIGHNESS the PASHA of BAGDAD to the POLITICAL AGENT at BUSSORA.

After Compliments.—The Dragoman of the English nation has arrived here, bearing a sealed despatch from the government and a letter from yourself containing the following demands:—

ARTICLE 1.

A compliance with all stipulations contained in the Imperial Treaties and regal firmans, ancient or recent.

ARTICLE 2.

The restitution of whatever was taken from Mr. Sturmey above the proper rate of customs, and of such property of Mr. Scoododa as was damaged or lost.

ARTICLE 3.

Whatever may be deemed to constitute the complete safety in every respect of the life, property, and honour of all agents or vakeels of the government, of their protected dependants and subjects, together with an attentive regard for their views, wishes, a due estimation and honouring of them, and an admission of their rights to grant asylum, and all other claims according to their ancient rights and customs; and that they may entertain as many servants as they see necessity for.

ARTICLE 4.

Should hereafter an agent, not an Englishman, be established at Bagdad, he shall unquestionably meet with every proper honour and consideration as it is due to his station.

ARTICLE 5.

Bills of exchange shall not be taken from their shroffs by force, nor money from their dependants or protegés by compulsion, nor shall temporary or arbitrary taxes of any kind ever be levied on their landed or other property contrary to their due right and custom.

ARTICLE 6.

No tax, except one previously well defined and arranged, shall be levied on boats the property of British subjects and protegés; such, for instance, as pass between Bussora and Bagdad; nor shall their boats be seized for the public service; nor shall the property of merchants being British subjects or protegés arriving at Bagdad, otherwise than as is usual on the arrival of the same at Bussora, enter the custom house contrary to stipulation and covenant.

ARTICLE 7.

Should British subjects and protegés lose any property in the town or on public roads, and by theft or plunder, every exertion shall promptly be made to recover the same.

ARTICLE 8.

Should any dependant of the government suffer from any of our subjects offence or injury, the injured individual shall receive immediate satisfaction and reparation.

ARTICLE 9.

In commercial dealings goods having been bought shall not be returned except on legal and just plea; and commercial disputes shall be adjusted by an assembly of merchants according to mercantile usage.

ARTICLE 10.

Should British or Indian seaman desert, they shall not be forced to become converts to Islam, and in case of their willing conversion, they shall be subsequently delivered up to their duty in order to prevent any detriment to the interests of the ship.

ARTICLE 11.

A spot shall be assigned on lease to the Resident for a house and garden wherever he may point out.

ARTICLE 12.

The proven claims of British protegés to be enforced on whomsoever of our subjects it may be, without the smallest loss or injury to the claimants.

We have considered and fully comprehended these demands, in like manner also as we are convinced of the very great and faithful regard of His Imperial Highness for the English nation; with regard, therefore, to such part of them as are contained in those Imperial Treaties and royal decrees which are in their hands, it has even been fulfilled to them hitherto, and we shall continue likewise to observe it in time to come, and this too, in due consideration of the fulness of that valued friendship and the abundance of ancient and lasting unanimity which has existed between the two States in ages past.

With respect, however, to the overplus of customs taken from Mr. Sturmey and the goods lost to Mr. Scoododa, we have made investigation and discovered that the circumstances occurred by chance and not from premeditation; we have consequently returned them to the Dragoman above mentioned, as we cannot consent to any conduct towards the British Government contrary to Treaty and covenant—our friendship for them being of ancient date—and also in compliance with the engagements of our predecessors up to the present date.

In conformity, therefore, with the firm and lasting alliance formed between the Imperial and British Governments with a view to confirm and secure the foundation of that faithful alliance and to strengthen the bonds of the immutable and important union set forth in the Imperial Treaties and royal edicts which are in their possession, and in conformity with ancient rule and former precedent, we have agreed to the observance of all the stipulations

above mentioned, and have sealed this instrument as a proof of our consent, and delivered the same into the hands of the Dragoman aforesaid.

Be you therefore informed of this and consider it as fully efficient.

Seal of Daood Pasha.

No. VIII.

TRANSLATION of a BOYOOROOLDI from HIS HIGHNESS HAJEE ALI REZA, PASHA of BAGDAD, ALEPPO, DIARBEKIR, and MOUSUL, to the POLITICAL AGENT at BUSSORA, dated the 27th Rubee-oos-sanee A. H. 1247, or 2nd October A. D. 1831.

Official Sign.

To the spiritual leader of Islam, the Lieutenant (of the Qadhee of Constantinople) at Bussora, to His Excellency the Muftee Effendi of Bussora, whose piety and excellence be increased, to the Chief of the exalted Ministry and Government the Motusullim Aga, be his rank and station increased, and to the elders and men of weight of the Council and country, whose dignity be magnified. In reference to all affairs supervening at Bussora, and relating to the excellent Resident of England, the high and exalted Mr. Taylor, Balios Beg residing with our eternal government, and in observance of his rights and those of his agents, interpreters, and all his protegés and dependants, and of all the subjects of his government, and the merchants and ships arriving from Hindoostan, according to the stipulations and Treaties which have been arranged and ratified with our exalted State: as they have been held in times preceding, to which we adhere, and for which we even exceed the former regard out of a wish to protect their rights; so you also the Nayeb Effendi, and Muftee Effendi, and Motusullim Aga, and Ayan (inferior ministers) will in likewise deport yourselves towards, and protect the rights and regard the just claims of the dignified Mr. Taylor, Beg, his agents, interpreters, protegés, and dependants, and the subjects of the government arriving from Hindoostan, and their ships and merchants, and all others soever, conformably to what we

have promulgated in this our Boyoorooldi, which you will on no account infringe: and thus be it known unto you.

No. IX.

TRANSLATION of an IMPERIAL FIRMAN of PROTECTION for the ENGLISH STEAM VESSELS destined to NAVIGATE the RIVER EUPHRATES, dated 29th December 1834.

To their Excellencies the Viziers, Pashas of three tails, to the illustrious Miri Mirans, Pashas of two tails, to the learned Judges, to the Wainadas, Captains of Ports, and other Magistrates of places situated on both banks of the Euphrates, health.

On receiving the imperial command, you will know as follows:—The Ambassador Extraordinary and Plenipotentiary of Great Britain at Constantinople, Lord Ponsonby, one of the most illustrious personages among the Christian nations, has presented at our Sublime Porte an official note, by which he intimates that the British Government requires permission to cause to navigate by turns two steam boats on the river Euphrates which flows at a small distance from the city of Bagdad, for the purpose of facilitating commerce.

We in consequence issued to our very illustrious governor of Bagdad and Bussora, Ali Reza Pasha, an order to furnish our Sublime Porte with information of the proposed navigation.

Although the answer of the Pasha had not arrived, the Ambassador made representations on this point, informing our Sublime Porte the British Government awaited our reply.

For this reason we have and do permit two steam boats to navigate the Euphrates by turns, and this navigation is to continue as long as, conformably to what has been represented to us, it may prove useful to the two powers, and no inconvenience result therefrom, and it is to this purpose that an official rule has been transmitted to the British Ambassador.

A firman couched in the same terms has been addressed to the Pasha of Bagdad and Bussora.

Le 13 *Juillet.*

Sublime Porte.

No. X.

Note Verbale.

Le 13 *Juillet.*

En reponse à la note verbal de l' Ambassade de S. M. Britannique en date du 23 Juin, le Ministre des Affaires Etrangères a l'honneur de l'informer que la S. Porte consent au remplacement par un autre navire du bâtement de la Marine Royal La *Cométe,* se trouvant sur les rivières de Mesopotamie, et qu' elle a transmis des ordres en consèquence au Governeur-General du Vilayet de Bagdad.

A l' Ambassade de S. M. Britannique, &c., &c., &c.

No. XI.

Translation of an Imperial Firman addressed to the Valee of Bagdad, dated in the beginning of Suffer 1263, or end of January 1847, communicated the 23rd January 1847.

To the Valee of Bagdad,—Ordained (that) whereas, although special conventions have been entered into between the British Government and certain rulers in Africa for the purpose of preventing the exportation of black slaves from that country to (the ports of) America and to other places, certain merchant ships contrive to kidnap slaves from the African coasts, and continue to transport them to other places, owing to which the provisions of the aforesaid convention cannot be carried into execution; a request has been therefore lately made on the part of the British Government that the necessary measures should be adopted in this matter by my Sublime Porte with reference to those places; and whereas the inhuman and barbarous treatment adopted with regard to kidnapped slaves in the places to which they are transported is not like unto (that adopted towards) slaves coming to these places, and that the prevention thereof would be both just and commisserate: It is therefore my supreme and imperial will that the slave trade carried on, on the aforesaid coast by the merchant vessels under my imperial flag be henceforward entirely prohibited, that any (vessels) acting in contravention to this prohibition and captured by the ships of my imperial fleet which by the grace of God are to be sent into those waters, or taken by the British ships of war cruizing in those parts and delivered up by them to the Authorities of my royal ports in the Gulf of Bussora, be taken possession of by my Sublime Porte, and that the captains thereof be punished; that those whom it may concern be peremptorily warned thereof, and that the utmost care and attention be paid to the full and perpetual observance of the present prohibition, and to the punishment of those acting in contravention thereto as aforesaid.

You, therefore, who are the Valee of aforenamed, will act conformably (hereto), and beware of transgressing (these orders).

TRANSLATION of a COMMUNICATION made by the PORTE to HER MAJESTY'S EMBASSY.

A vizierial letter, dated the 10th September (27th January 1847), has been addressed to the Valee of Bagdad as follows:—

An Imperial Firman just issued concerning the prohibition to the exportation of black slaves from Africa to America and other places is herewith transmitted to your Excellency, and it is the supreme command of His Majesty that you should be careful to enforce the orders contained in it.

Without entering into unnecessary details (on the subject) with your Excellency it is necessary to observe that, as the publication of this Imperial Firman will not be without its objections, you should keep it by you, and, without any reference whatever thereto, duly issue the orders contained in it to the Authorities of such places as may be requisite.

His Majesty has moreover ordered that towards next spring some vessels of the imperial fleet should be sent (God willing) to superintend the full execution of this interdiction, as well as to promote the welfare of those coasts as heretofore; and whereas it would be productive of loss to some of His Majesty's subjects ignorant in the beginning of the prohibition of the execution thereof were to be enforced contemporaneously with its promulgation: the publication of these orders are to be made by you on the receipt of this despatch. You will also make known that they are to be in full vigour four months after the date hereof, that is, after the 10th of Suffer (27th January 1847), and that the slaves which may be on board any merchant vessels under the Ottoman Flag, which shall have dared to act in contravention thereof, after the expiration of the aforesaid period, and which having escaped the vigilance of the Authorities on their passage may enter any of the Turkish ports, shall be taken possession of and detained.

You will also adopt suitable measures for sending back to the place from which they may have been kidnapped, the slaves arriving in any of His Majesty's ports.

COPIE OFFICIELLE d'une LETTRE addressée par le GRAND VIZIER an PASHA de BAGDAD en date 6th Avril 1847.

TRADUCTION.

J'ai informé V. Excellence par une dépêche que je vous ai écrite dernièrement relativement à la défense aux batimens sous pavillon Ottoman de faire le commerce des esclaves avec les côtes d'Afrique qu'en conséquence des

ordres prohibitifs qui out été donnès à cet effet, les batimens Ottomans qui après l'expiration du terme qui a été fixé auront l'audace de contrevenir à ces ordres, et qui auront été arrétés pour cela, seront confisqués avec les esclaves qu'il y aura á bord, mais pour prévenir les mal-entendues et la confusion à cet égard, je veux donner sur cette question les éclaircissemens suivans.

Votre Excellence sait qu'il y a dans ces environs là des Gouvernements et des *Imams* indépendants, et cela étant, les châtimens dont il s'agit ne peuvent pas être appliqués a leurs batimens. Il faudra donc se borner, á l'égard de ces batimens, á leur défendre de transporter et d'introduire des esclaves dans les ports de la S. P. qui sont dans le Golfe Persique et s'ils en viennent Votre Excellence aura seulement à les renvoyer et à les éloigner. Ainsi V. E. voudra bien donner aux autorités compétentes les ordres necessaires dans le sens au-dessus expliqué.

20 *Rebi-al-Akhir* 1263.

Translation.—Instructions to Nejib, Pasha of Bagdad, about the African Slaves.

As your Excellency well knows, I have stated in the despatch I wrote to you, in consequence of the firman issued for the purpose of prohibiting the transport of black slaves from Africa to America and other places, that it will be necessary to take measures for sending back conveniently to the places whence they had been kidnapped, those slaves who shall come to any port of the Ottoman Empire in vessels under the flag of the Sublime Porte.

But on thinking again on this matter, we found that this plan is not quite exempt from inconvenience, for it is not improbable that the slaves should fall, while on their way home, into the hands of people dealing in slaves, and experience again all sorts of misery.

Now the slaves who shall have been liberated from the hands of the merchants are naturally become thus free, and they may, of course, act as they like. Such of them, then, as will not return, but choose to remain, cannot be forced to go, and they must be allowed to stay where they please.

But humanity requires that measures should be taken to send safely to the place of their destination those who wish to return, and, therefore, it has been thought expedient, and the Sultan has given orders to that effect, that those among them who wish to return should be consigned to the British Authorities in those environs, put on board the British men of war, or on board other vessels which shall be assigned by the English, and sent away.

This matter has been talked of with the British embassy, and your Excellency will therefore talk about it with the British Consul at Bagdad, and send the analogous instructions to the competent Authorities; and as to those

among the slaves that have been captured, who may wish to remain in this country, your Excellency will take care to furnish them with a Tezkéré, that they may not be molested by any body whatever after that.

No. XII.

ENGAGEMENT for the EXTENSION of a TELEGRAPH LINE from BAGDAD to BUSSORA and to KHANAKEEN,

TRANSLATION.

Consequent upon the exchange of notes which has taken place between the Embassy of Her Britannic Majesty and the ministry of Foreign Affairs of His Majesty the Sultan on the subject of the extension of the line above ground from Bagdad to Bussora and to Khanakeen, with the object of connecting by two different lines the Indian telegraphs with the telegraphic net-work of Europe, the Ambassador of Her Britannic Majesty at the Sublime Porte and the Minister of Foreign Affairs of the Sultan, with a view to this, have decided on the following arrangement:—

ARTICLE 1.

The Ottoman Government will extend at its own expense—

1. The line above ground from Bagdad to Bussora.

2. It will construct a line above ground from Bagdad to Khanakeen on the Persian frontier. These two lines shall consist of two wires, of which the one shall be kept exclusively for direct messages.

ARTICLE 2.

The Indian Government, on its side, at its own cost, shall carry the Indian sub-marine cable, which joins

PROTOCOL.

A la suite d'un échange de notes qui a eu lieu entre l'Ambassade de Sa Majesté Britannique et le Ministre des Affaires Etrangères de Sa Majesté le Sultan, au sujet de la prolongation de la ligne Aérienne de Bagdad jusqu'à Bussora et Khanakain, dans le but de relier par deux lignes différentes les télégraphes Indiens au réseau télégraphique de l'Europe l'Ambassadeur de la Reine de la Grande Britain prés la, Sublime Porte et le Ministre des Affaires Etrangères du Sultan, en vue d'assurer la réalisation de ces entreprises, ont arrété l'arrangement suivant:—

ARTICLE 1.

Le Gouvernement Ottoman fera prolonger à ses frais:—

1. La ligne de Bagdad à Bussora.

2. Il construira une ligne Aérienne de Bagdad jusqu'a Khanakain, sur la frontiére Persane. Ces deux lignes seront à deux fils, dont l'un sera destiné au service exclusif des messages directs.

ARTICLE 2.

Le Gouvernement Indien portera, de son côté à ses frais le câble sousmarin Indien, aboutissant à Bushire, soit à

at Bushire, either to Bussora or to some other point at the mouth of the Shat-el-Arab, which shall be designated later, and which shall be connected with the line above ground.

ARTICLE 3.

The Indian Government besides shall furnish to the Ottoman Government all the necessary materials, including the poles of iron, for the construction of the two lines above ground before mentioned.

The two telegraphic Engineers who are already at Bagdad, as also the Inspector and the four Sub-officers of the British Engineers who are soon expected to arrive in that city, shall be placed at the disposal of the Ottoman Authorities to cooperate in the construction of these lines.

ARTICLE 4.

The Ottoman Government shall pay for the materials thus furnished by the Indian Government with the money received for telegraphic messages from India, which shall traverse the line of the extreme European frontier of the Ottoman Empire, be it to Bussora or as far as Khanakeen, according to a special arrangement which the two governments reserve to themselves to establish, to determine the mode and the period of the payment of the price of these materials.

The salaries of the Engineers to be paid by the Indian Government.

The materials which shall be furnished by the Indian Government shall be consigned on their arrival to the hands of the Ottoman Authorities, and a receipt given for them.

Bussora soit à un autre point quelconque de l'embouchure du Shat-el-Arab, qui sera désigné plus tard, et qui sera relié à la ligne Aèrienne.

ARTICLE 3.

Le Gouvernement Indien fournira en outre au Gouvernement Ottoman tous les matériaux nécessaires, y compris les pôleaux en fer, pour la construction des deux lignes Aériennes ci-dessus indiquées.

Les deux Ingénieurs télégraphiques qui se trouvent déjà a Bagdad, ainsi que l'Inspecteur et les quatre Sous-officers de génie Britannique qui sont attendus prochainement dans cette ville, seront mis à la disposition des Autorités Ottomanes pour coöpérer à la construction de ces lignes.

ARTICLE 4.

Le Gouvernement Ottoman páyera les matériaux ainsi fournis par le Gouvernement Indien, sur la recette des messages télégraphiques Indiens, qui traverseront la ligne de l'extrême frontière Europeénne de l' Empire Ottoman soit jusqu'a Bussora, soit jusqa'a Khanakain, d'après un arrangement spécial que les deux Gouvernements se réservent d'établir pour déterminer la mode et l'èpoque des versements du prix de ces matériaux.

La rétribution des Ingénieurs reste à la charge du Gouvernement Indien.

Les matériaux qui sont fournis par le Gouvernement Indien seront consignés à leur arrivée, entre les mains des autorités Ottomanes contre leur reçu.

ARTICLE 5.

The Imperial Authorities shall immediately receive orders to begin the works upon the line from Bagdad to Bussora.

ARTICLE 6.

The sub-marine cable which is to meet the line above ground from Bagdad to Bussora shall be laid as soon as possible, in order to secure simultaneous operations.

ARTICLE 7.

As soon as this line shall have been completed, the Ottoman Government shall commence the line from Bagdad to Khanakeen, for which the Indian Government equally engages to furnish materials and Engineers on the same conditions as those which have been stipulated for the line from Bussora.

ARTICLE 8.

The Sublime Porte shall take care, if need be, to employ, for the working of these lines, persons acquainted with the English language.

ARTICLE 9.*

All the despatches addressed to or coming from India shall be equally divided between the line from Bagdad to Bussora on the one hand, and that of Khanakeen on the other.

To avoid all difficulty of execution, the application of this system of division shall be as follows:—

All despatches coming from India shall pass by the line from Khana-

ARTICLE 5.

Les autorités Impériales recevront l'ordre de faire commencer immédiatement les travaux de la ligne de Bagdad à Bussora.

ARTICLE 6.

Le cable sousmarin qui doit se relier à la ligne Aérienne de Bagdad à Bussora devra être posé le plutôt possible, afin d'en assurer le fonctionnement simultané.

ARTICLE 7.

Aussitôt que cette ligne aura été achevée le Gouvernement Ottoman mettra la main à celle de Bagdad à Khanakain, pour laquelle le Gouvernement Indien s'engage à fournir également les matériaux et les Ingénieurs aux mêmes conditions qui ont été stipulées pour la ligne dè Bussora.

ARTICLE 8.

La Sublime Porte aura soin, selon la nécessité, d'employer pour le service de ces lignes des personnes possédants la langue Anglaise.

ARTICLE 9.*

Toutes les dépêches à destination ou provenant des Indes seront partagées à portion égale entre la ligne projetée de Bagdad à Bussora d'une part, et celle de Khanakain d'autre part.

Pour éviter toute difficulté d'exécution, l'application du partage aura lieu de la manière suivante:—

Toutes les dépêches provenant des Indes devront passer par la ligne de

* On 9th December 1863 an additional Article was added to the Protocol, stipulating that instead of dividing the traffic equally between the Basrah and Khanakeen lines, messages should be forwarded indifferently by either line, and that payment should be calculated on the mean between 375 and 89 miles, the distances between Bagdad and Basrah and Bagdad and Khanakeen respectively, so long as both lines are kept in efficient working order.

keen. On the other hand, all those for India shall be sent by the line from Bagdad to Bussora.

ARTICLE 10.

The stipulation of Article 9 shall remain in force for ten years, at the end of which it can be revised by means of a new understanding between the two governments.

ARTICLE 11.

The two governments reserve to themselves the right to determine on and conclude a Telegraphic Convention on the basis of the Act of Brussels, which constitutes the International Law of Lines of Electric Telegraphs.

In faith of which the Ambassador of Her Britannic Majesty and the Minister for Foreign Affairs of His Imperial Majesty the Sultan have signed the present Protocol in duplicate and have annexed their Seals.

Done at the Sublime Porte the 20th day of October 1863.

FOR SIR HENRY BULWER.

L. S. E. M. ERSKINE.

L. S. ALI.

Khanakain. Par contre toutes celles à destination des Indes traverseront la ligne de Bagdad à Bussora.

ARTICLE 10.

La stipulation de l'Article 9 sera en vigueur pendant dix ans, à l'expiration desquels il pourra être revisé moyennant une nouvelle entente entre les deux Gouvernements.

ARTICLE 11.

Les deux Gouvernements se réservent le droit d'arrêter et de conclure une Convention Télégraphique sur les basses de l'Acte de Bruxelles, qui constitue la Loi Internationale des Signes Electriques.

En foi de quoi, l'Ambassadeur de Sa Majesté Britannique et le Ministre des Affaires Etrangères de Sa Majesté Impériale le Sultan ont signés le present Protocole, en double expédition, et y ont apposé le sceau de leurs armes.

Fait à la Sublime Porte, le vingt du mois d'Octobre, de l'an mil huit cent soixante trois.

POUR SIR HENRY BULWER.

L. S. E. M. ERSKINE.

L. S. ALI.

L. S. ———

ALI.

No. XIII.

CONVENTION between GREAT BRITAIN and TURKEY for the establishment of TELEGRAPHIC COMMUNICATION between INDIA and the OTTOMAN TERRITORY. Signed in the ENGLISH and FRENCH languages at CONSTANTINOPLE September 3, 1864.*

PROJET de la CONVENTION TELEGRAPHIQUE INDO-OTTOMANE.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the Ottomans, being desirous to establish between their respective States telegraphic communications, by means of which India, connected by a submarine cable with the Ottoman territory at the mouth of the Shat-el-Arab, will be in telegraphic communication with Turkey, and consequently with all the other States of Europe, have agreed to conclude a Telegraphic Convention, and with that object have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Henry Lytton Bulwer, a member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath and Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Sublime Porte;

And His Majesty the Emperor of the Ottomans, His Highness Mehemed Emin Aali Pasha, Minister for Foreign Affairs, decorated with the Imperial Orders of the Osmanie, of the Medjidie, and of Merit of the first class in

S. M. le Sultan et S. M. la Reine du Royaume Uni de la Grande Bretagne et de l'Irlande désirant voir établir entre leurs Etats respectifs, des communications telegraphiques á la suite desquelles les Indes, reliées par un Cable sous-marin avec le territoire Ottoman à l'embouchure du Shat-el-Arab, se trouveront en communication électrique avec la Turquie et par consequent avec tous les autres Etats de l'Europe, sont convenus de conclure une Convention Telegraphique et ont à cet effet nominé pour leurs plenipotentiaires.

S. M. le Sultan..... S. M. la Reine du Royaume Uni de la Grande Bretagne et d'Irlande.....lesquels après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme sont convenu de ce qui suit.

* Ratifications exchanged at Constantinople, October 31, 1864.

brilliants, Grand Cross of several Foreign Orders;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I.

The Ottoman Government will continue, at its own cost, to the mouth of the Shat-el-Arab, the main telegraphic line of Asia now existing between Scutari of Constantinople and Bagdad, and will connect the said main line, in the direction of Khanakain, with the Persian land lines which communicate with the submarine cable at Bushire.

The maintenance and repairs of the said Ottoman lines will be at the charge of the Ottoman Administration.

ARTICLE II.

On the other hand, the Government of India will lay down, at its own expense, a submarine telegraphic cable, which, starting from some point of the British Indian Empire and touching at Bushire, will terminate at the mouth of the Shat-el-Arab, where it will join the Ottoman land line.

The maintenance and repairs of this cable shall be at the expense of the Indian Administration.

ARTICLE III.

His Majesty the Sultan authorises the establishment on Ottoman territory, at the mouth of the Shat-el-Arab, of a British telegraph office, with a staff, which shall not exceed in number 50 persons, placed under the exclusive

ARTICLE I.

Le Gouvernement Ottoman prolongera à ses frais jusqu' à l'embouchure du Shat-el-Arab, la grande ligne telegraphique d'Asie existant actuellement depuis Scutari de Constantionople jusqu'à Bagdad et reliera cette grande ligne dans la direction de Khannikeen aux fils aëriens persans qui seront en communication avec le Cable sous-marin à Bushire. L'entretien et les reparations de cette ligne seront à la charge de l'Administration Ottomane.

ARTICLE II.

Le Gouvernement des Indes posera de son côté á ses frais un câble telegraphique sous-marin partant d'un point quelconque de l'Empire Britannique des Indes et touchant à Bushire, qui aboutera à l'embouchure du Shat-el-Arab où il sera relié à la ligne aërienne Ottomane. L'entretien et les reparations de ce câble seront à la charge de l'Administration Indienne.

ARTICLE III.

S. M. le Sultan autorise l'etablissement sur le territoire Ottoman à l'embouchure du Shat-el-Arab d'un Bureau telegraphique Britannique dont le personnel sera placé exclusivement sous les ordres d'un chef de

orders of a British station-master, and which, as well as the apparatus and all the instruments requisite for working the submarine line, shall be at the expense of the British Government.

ARTICLE IV.

The aforesaid British office shall be located in the same building occupied by the Ottoman station at the mouth of the Shat-el-Arab, with a view to facilitate the combined operations of the common service.

The apparatus of the Ottoman service and that of the British service at that joint station shall be placed in separate compartments, but in close proximity to each other, and shall not be connected.

The exchange of messages shall take place immediately on their receipt, the officers handing them to each other through a window, and the service of the British and Ottoman offices shall be permanent. The rent and cost of maintenance of the mixed telegraphic station shall be shared in equal proportions by the British and Ottoman Administrations.

ARTICLE V.

It is well understood that the active service of the British office on Ottoman territory shall be limited to the receipt and delivery by hand to the Ottoman office of the messages arriving from India by the submarine cable; to the transmission of those which are delivered to it by the Ottoman office; and lastly, to the superintendence and maintenance of a safe and regular sub-marine communication between

Station Britannique et sera à la charge du Gouvernement Britannique, ainsi que les appareils et tous les instrumens requis pour le fonctionnement de la ligne sous-marine.

ARTICLE IV.

Le susdit Bureau Britannique sera placé dans le même local occupé par la Station Ottomane établie à l'embouchure du Shat-el-Arab, de façon à faciliter les operations combinées du service mixte.

Les appareils du service Ottoman et ceux du service Britannique de cette Station mixte, seront placés dant des compartimens separés, mais à proximité l'un de l'autre et ne seront pas reliés entr'eux. L'échange des dépêches, se fera immediatement après reception entre les employés par un guichet de la main à la main, et le service de ces deux Bureaux Ottoman et Britannique sera permanent.

Le loyer et les frais d'entretien de la Station telegraphique mixte seront supportés par les Administrations Ottomane at Britannique en parties égales.

ARTICLE V.

Il demeure bien entendu que le service actif de ce Bureau Britannique sur le territoire Ottoman, est restreint à la reception et à la remise de main en main au Bureau Ottoman des depêches arrivant des Indes par le Câble sous-marin, à la transmission de celles qui lui seront remises par le Bureau Ottoman, et en dernier lieu á la surveillance et à l'entretien d'une communication

the mouth of the Shat-el-Arab and India.

The direction-in-chief of the mixed station shall devolve on the Ottoman Administration, but without the right of interfering in the internal administration of the British office.

ARTICLE VI.

In order to ensure promptitude in the Indo-European correspondence and its regular transmission and receipt, the Ottoman Government will not fail to establish a permanent service at Bagdad and Fao, as well as at the majority of stations on the main line of Asia between Constantinople and Fao, and to appoint thereto a staff possessing a knowledge of the English language sufficient for the perfect performance of that important service.

Moreover, the Ottoman Government being desirous that the expeditious transit of the Indo-European messages over its territory should be rendered still more satisfactory, engages to establish at Constantinople an office of transmission devoted exclusively to the service of messages to and from India. Its officers, and especially the station master, shall be selected from those of the Ottoman telegraph officials who are thoroughly conversant with the English language.

ARTICLE VII.

The Ottoman Government will take the necessary measures to secure that one wire of the main line from Constantinople to Fao shall be always exclusively devoted to Indo-European messages. In case this wire should

sous-marine sûre et régulière entre l'embouchure du Shat-el-Arab et les Indes. La haute direction de la Station mixte, est acquise à l'Administration Ottomane.

ARTICLE VI.

Dans le but d'assurer la promptitude des correspondances Indo-Européennes et leur transmission et reception régulières le Gouvernement Ottoman aura soin d'établir un service permanent à Bagdad, Khannikeen, et Bussorah, et dans la plupart des stations mises sur la grande ligne d'Asie depuis Constantinople jusqu'à Bussorah, et d'y instituer autant que possible, un personnel possédant la connaissance de la ligne Anglaise.

En outre, le Gouvernement Ottoman desirant que l'ecoulement rapide des missives Indo-Européenes ait lieu sur son territoire à un degré encore plus satisfaisant, établira à Constantinople un bureau de translation affecté exclusivement au service des depêches de provenance ou destination Indienne. Les employés de ce bureau et particulièrement le chef de Station seront choisis parmi les fonctionaires du Telegraph Ottoman, connaissant parfaitement la langue Anglaise.

ARTICLE VII.

Le Gouvernement Ottoman prendra les dispositions necessaires pour qu'un fil de la grande ligne de Constantinople à Bussorah reste toujours exclusivement au service des depêches Indo-Européennes. En cas de de-

get out of order, or in case of a press of traffic, the official Indo-European messages may be forwarded by one of the wires intended for local traffic, but after the official despatches of the Ottoman Government. In that case private Indo-European dispatches shall be forwarded together with private messages already deposited at the office and in alternative order with those messages, whatever may have been the hour at which the latter may have been deposited.

rangement ou d'un encombrement de depêches de ce fil les depêches Indo-Européennes pourront encore s'ecouler mais aprés les depêches Officielles du Gouvernement Ottoman par un des fils affectés au service de la correspondance de l'Interieur.

Article VIII.

The Convention of Brussels, of June 30, 1858,* in all that relates to the details of the telegraphic service, shall be mutually observed by the two Contracting Governments, in so far as it is not opposed to the terms of the present Convention.

Article VIII.

Les deux Gouvernements contractans s'obligent à appliquer dans leurs rapports telegraphiques reciproques relativement à la manipulation des depêches, à leur taxation et aux détails du service telegraphique en général, les règles prescrites par la Convention de Bruxelles du 30 Juin 1858, et de l'Instruction qui en fait partie, ainsi que des modifications qui pourraient y être apportées à l'avenir avec l'assentiment du Gouvernement Britannique par les signataires de cette Covention dont la Copie est annexée ci-jointe, pour faire partie intégrante de la présente convention.

Article IX.

It is agreed between the High Contracting Parties that the rates for Indo-European messages sent by the Ottoman lines in Asia throughout their whole extent from Constantinople to Fao, or to the Persian frontier in the direction of Khanakain, and *vice versâ*, shall not exceed the limit of 27½ francs

Article IX.

Il est convenu entre les hautes parties contractantes que la taxe des depêches Indo-Européennes transitant par les lignes Ottomanes d'Asie sour tout leur parcours de Constantinople à Bussorah ou à la frontière persane dans la direction de Khannikeen et vice versâ ne dépassera

* For Convention between Belgium, France, and Prussia, see State Papers, Vol. 57, page 1095.

for a single message sent from Constantinople to Fao or *vice versâ*, and of 22½ francs for a single message sent from Constantinople to Khanakain or *vice versâ*, as also that the rates for messages traversing the whole submarine line from India to Fao, or to Bushire, and *vice versâ*, shall not exceed the limit, for the former of 62½ francs, for each single despatch, and, for the latter, of 50 francs.

pas la limite de vingt-cinq francs pour une depêche simple, et même que les taxes des depêches traversant toute la ligne sous-marine depuis les Indes jusqu'à l'embouchure du Shat-el-Arab ou jusqu'à Bushire ne dépasseront pas—les premières la somme fr. 62—50 pour depêche simple,—et les secondes celle de fr. 50.

Article X.

The administrations of the two Contracting Governments will communicate to each other, with the least possible delay, the tariff of their stations and frontiers, in so far as they may have reference to the Indo-Ottoman frontier of Fao. According to that tariff the rates shall be mutually accounted for in the monthly accounts of messages exchanged between the two administrations at the aforesaid frontier of Fao.

Article X.

Les administrations des deux Gouvernements contractans se communiqueront réciproquement dans le plus bref delai possible le tarif de leures stations et frontières par rapport á la frontière Indo-Ottomane de Bussorah. C'est d'après ce tarif que les taxes devront être bonifiées reciproquement dans les comptes mensuels des depêches échangées entre les deux administrations par la susdite frontière de Bussorah.

Article XI.

The mutual account for telegraphic rates, expenses of postage, and of expresses, &c., shall be checked at the expiration of every month and settled quarterly. The liquidation and payment of the surplus which may be due to either administration shall take place at the close of each quarter. The accounts of each administration shall enumerate only the rates in debit: they shall be drawn up by the Ottoman Administration in francs and centimes, the total being reduced to shillings and pence; and by the British Administration in shillings and pence, the total being reduced to francs and centimes.

Article XI.

Le compte reciproque des taxes telegraphiques, de frais de poste d'exprès, &c., sera clôture a l'expiration de chaque mois et reglé tous les trois mois.

La liquidation et le paiement du montant resultant en faveur de l'une ou de l'autre administration, se fera à la fin de chaque trimestre.

Les comptes de chaque administration ne comprendront que les taxes en débit; ils seront dressés par l'administration Ottomane en francs et centimes avec réduction des sommes totales en schellings et francs, et par l'administration Britannique en shil-

The reduction of these sums shall be calculated at the rate of—

1 pound sterling = 25 francs.
1 shilling ... = 1 franc, 25 centimes.
1 penny ... = 10 centimes.

ARTICLE XII.

The balance which may accrue from the quarterly liquidation, in favour of one or other of the administrations, may be paid either in Turkish pounds, in pounds sterling, or in 20-franc pieces. Should the balance be in favour of the Indian Administration, payment shall be made by Turkey into the hands of the delegate of that Administration at Constantinople; and should it be in favour of the Ottoman Administration, payment shall be made by the aforesaid delegate to the Director-General of the Ottoman telegraphs.

ARTICLE XIII.

In order to facilitate and accelerate the operations relating to the reciprocal settlement of the quarterly accounts with the Central Administration of Ottoman telegraphs, the Indian Government shall be entitled to appoint a delegate to reside at Constantinople, the seat of that administration. The Ottoman Government shall likewise be entitled to name a delegate for the same purpose, to reside at the seat of the Central Telegraphic Administration of the Indian Government. The respective delegates shall be entitled to receive from the respective Central Administrations all the information and explanations which they may require.

lings et pence avec réduction des sommes totales en francs et centimes.

La reduction de ces sommes se fera à raison de

1 Livre sterling ... 25 francs.
I Shilling ... 1 fr.—25
1 Penny 10

ARTICLE XII.

Le solde resultant de la liquidation trimestrielle en faveur de l'une ou de l'autre administration pourra être payé, soit en livres Turques soit en livres sterling, soit en pièces de 20 francs.

Si le solde resulte en faveur de l'administration Indienne, le paiement se fera, de la part de la Turquie, entre les mains du délégué de cette administration à Constantinople et s'il resulte en faveur de l'Administration Ottomane, le paiement se fera par le délégué susmentionné, à la Direction Générale des Telegraphes Ottomans.

ARTICLE XIII.

Dans le but de faciliter et d'accélerer les operations concernant le règlement réciproque des Comptes Trimestriels avec l'Administration Centrale des Telegraphes Ottomans, le Gouvernement Indien pourra entretenir un délégué à Constantinople ou se trouve le siège de la dite administration. De même le Gouvernement Ottoman pourra nommer pour le même objet un délégué auprés de l'Administration Telegraphique Centrale du Gouvernement de l'Inde.

Les délégués respectifs pourrant obtenir auprès des administrations centrales respectives, tons les renseignemens et les eclaircissements dont ils pouvent avoir besoin.

ARTICLE XIV.

All messages to or from India may be forwarded indifferently, as may be most convenient for the service, either by the line of Bussorah or by that of Khanakain.

ARTICLE XIV.

Toutes le depêches en destination ou provenant des Indes pourront être expediées indifferement selon la convenance du service, soit par ligne de Bussorah, soit par celle de Khannikeen.

ARTICLE XV.

It is well understood that the Ottoman Government shall be in account current and shall have direct administrative relations with the Government of India in respect to all messages, whether sent by the frontier of Fao or by the Persian route of Khanakain. Thus the two Contracting Governments shall not be in account current, and shall not have direct administrative relations with Persia,* except in respect to payment for those messages only which shall have traversed the Persian lines; so that, as regards Indo-European messages, the two High Contracting Parties shall only account to the Persian Government for the amount due to it for their transit along the Persian lines between Khanakain and Bushire.

ARTICLE XV.

Il demeure bien entendu que le Gouvernement Ottoman ne sera en compte courant et en rapports administratifs directs avec le Gouvernement des Indes que pour les depêches s'ecoulant par la frontière de Bussorah; pour celles transitant le territoire Persan, chacun des deux Gouvernements contractants ne sera en compte courant et n'aura des rapports administratifs directs qu'avec le Gouvernement Persan.

ARTICLE XVI.

The present Convention shall come into operation as soon as the submarine cable shall be in communication with the land lines of Turkey and of India, and shall remain in force for three years from the day on which the ratifications are exchanged. Nevertheless, the High Contracting Parties may introduce into it, according as necessity may require, such modifications as may be considered by common agreement to be useful and indispensable.

ARTICLE XVI.

La présente Convention sera mise en execution assitôt que le Câble sous-marin sera en communication avec les lignes de terre et de la Turquie et des Indes, et demeurera en vigueur pendant trois ans à partir du jour de l'échange des ratifications. Toutefois les hautes parties contractantes pourront y apporter au fur et à mesure que le besoin se fera sentir les modifications qui seraient d'un commun accord jugées utiles et

* For Treaty between Turkey and Persia, of November 28, 1863, see State Papers, Vol. 57, page 1342.

At the end of three years the present Convention shall be deemed to be in force for an indefinite term, and until the expiration of six months reckoning from the date on which either of the Parties shall have made known to the other its intention to put an end to the same.

ARTICLE XVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Constantinople as soon as possible.

Done at Constantinople, on the 3rd day of September 1864.

(L.S.) HENRY LYTTON BULWER.

(L.S.) AALI.

indispensables. Le terme de trois ans expiré, la presente convention sera considerée comme étant en vigueur pour un temps indeterminé et jusqu'à l'expiration de six mois à compter du jour au la denonciation en sera faite d'une part ou d'une autre.

ARTICLE XVII.

La presente Convention sera ratifiée et les ratifications seront échangées à Constantinople dans le plus bref délai possible.

Fait à Constantinople.

S. PORTE,

le 17 *Fevrier* 1864.

PERSIAN GULF.

From Original Papers in the Foreign Office and Selections from the Records of the Bombay Government, No. XXI. of new Series.

THE whole of the northern shore of the Persian Gulf from Mohammerah to Cape Jask is now under Persian administration. That portion of the coast which extends from above Mohammerah to near Deelam is inhabited by the Beni Kaab Arabs in the jurisdiction of the Governor of the province of Arabistan whose head-quarters are at Shuster. The Governor of Mohammerah itself is Hajee Jabir Khan of the Kaab tribe. The portion of sea-coast between the district of the Kaab Arabs and the Bushire districts is under the jurisdiction of the Governor of Behbehan; the chief port is Deelam. The district of Bushire is held by a Governor subordinate to the Governor-General of Fars. The maritime district of Dashtestan extends as far as Deyyer: east of that point the various ports and sea-coast districts are immediately governed by Sheiks of Arab extraction subordinate to the Governor-General of Fars. A Native Agent is stationed at Lingah.

Congoon and Islands, Nakheeloo, Charek, and Keyas Island.
Moghoo.
Lingah.

The last of the Persian ports within the limits of the Gulf is Bunder Abbas which was formerly held in farm by the rulers of Muscat. In 1846 Hussein Khan, the Persian Governor of Fars, despatched a force against Bunder Abbas with the view of extorting a large sum of money from Sheikh Seif bin Sobhan, Syud Saeed's deputy and Governor. The latter threatened to retaliate by destroying Bushire. It was not till a change of ministry took place on the death of Mahomed Shah that redress was granted to him. In 1853 the Shah of Persia resumed possession of Bunder Abbas and its dependencies; but he restored them to Syud Saeed in 1855 on much less advantageous terms than formerly. The rent was raised from 6,000 to 16,000 Tomans a year, and the islands of Hormuz and Kishm, the hereditary possessions of the rulers of Muscat, were ceded to Persia.*

On the death of Syud Thoweynee and succession of his son Syud Salim in 1866, the Persian Government appeared at first inclined to renew the lease of Bunder Abbas to Syud Salim but at an increased rent, and on the condition that his uncle, Syud Toorkee, should be appointed Governor.

* See Appendix No. III.

Subsequently however, on the ground that Syud Salim as grandson of Syud Saeed could not continue to hold under a lease granted, as it was alleged, only to Syud Saeed and his sons,* the Persian Government renewed the lease at an enhanced rate of 20,000 Tomans in favour of the former Arab Governor, Sheikh Saeed, a relation of the Muscat family, not as a representative of Muscat but as a direct dependant of Persia. Throughout the winter of 1867 Syud Salim was too much occupied in the task of securing himself in the government of Muscat to be able to give his attention to the former dependencies of his family on the northern shore of the Persian Gulf. Meantime Sheikh Saeed refused to pay the balance of tribute due by him to Persia and preparations were made for coercing him. In April 1868 however Syud Salim threatened to blockade Bunder Abbas unless the lease was renewed to him, and as the Persian Government had no naval force it solicited British intervention. The Resident in the Persian Gulf was accordingly instructed to negotiate for a renewal of the lease, and this was finally effected † for a period of eight years at a rent of 30,000 Tomans. One of the conditions of the lease was that if a conqueror obtained possession of Muscat, the Persian Government was not to be bound by any conditions of the covenant. Accordingly on the expulsion of Syud Salim in October 1868 by Azan bin Kais (See p. 78) the lease became null and void, and the Persian Government appointed Hajee Ahmed, formerly minister of Syud Salim, to the charge of Bunder Abbas and its dependencies. In February 1870 Hajee Ahmed was expelled from Bunder Abbas by Sheikh Saeed acting on the part of Azan bin Kais, but subsequently regained his position. The Persian Government has hitherto declined to re-lease Bunder Abbas to the ruler of Muscat. The present Governor is Aga Ahmed Shah.

Below Bagdad the Turkish suzerainty is acknowledged on the southern shore of the Persian Gulf from the Shatt el Arab to a point nearly opposite Demam; a small portion nearest the Shatt el Arab is directly under the Pasha of Bagdad; the rest is occupied by Arab Chiefs who acknowledge dependence on the Turkish Government. Of late years the Turks have exercised a more active interference on the sea-coast, and the ports of Kateef, Ojeir, and El Biddaa have usually been occupied by Turkish garrisons. This has resulted from the attempts, more or less successful, which have recently been made by the Porte to assert its authority over the Wahabee Chief of Nejd.

* The word in the original is "Aulad" which may also be translated "descendants."

† See Appendix No. III.

Wahabees.—It was by instigating the El Joasim tribe of Arabs to acts of piracy in the Persian Gulf that the Wahabees first attracted the attention of the British Government.

This sect had adopted strict and puritanical doctrines. They denied divine honours to Mahomed, abhorred and destroyed all holy tombs, abstained from the use of tobacco, and waged war against all Mahomedans who did not accept their peculiar views.

When in 1809 it became necessary to send a second expedition against the El Joasim (See p. 45), the ruler of Muscat was found to be in considerable danger from the aggressions of the Wahabees. It was decided however not to attempt any operations by land, and to show extreme forbearance to the Wahabee Chief. In 1811 the Wahabees appeared in the vicinity of Muscat and plundered the territory of Syud Saeed. Application was made by him for the assistance of the British Government, but the request was refused on the ground that the British Government had recently co-operated with him merely for the extirpation of the pirates, who interrupted the commerce of the Persian Gulf, not in prosecution of war against the Wahabees.

Syud Saeed was relieved from this danger by the invasion of Nejd from the westward by the Egyptians. An envoy was sent by the Ameer Saood to endeavour to negotiate a Treaty of friendship and commerce with the British Government, but it was deemed inexpedient to negotiate any Treaty or to form any intimate connection with the Ameer, though a friendly intercourse was to be maintained with him.

Meanwhile the Egyptian troops had taken the holy places of the Mahomedan faith, and on Saood's death in April 1814 the Wahabee power in that quarter was annihilated. In 1818 Dereyyiah, the Wahabee capital, was taken by Ibrahim Pasha and razed to the ground. The Wahabee Ameer Abdoollah was sent prisoner to Constantinople and there beheaded, and the overthrow of the Wahabees appeared to be complete: Six years later however, in 1824, an insurrection against the Egyptians was headed by Toorkee, the son of the late ruler, the Egyptian Governor was compelled to retire, and Toorkee was proclaimed Sultan of Nejd. Overtures were made by him to the Arab Chiefs of the Persian Gulf to renew their former relations with the Wahabees, and

in 1825 the Chief of the El Joasim solicited the advice of the British Government as to the course he should pursue; he was warned against any proceedings bearing a predatory character or evincing unfriendliness towards the ruler of Muscat. During the next five or six years Toorkee was employed in recovering the provinces formerly subject to the Wahabees, and at the same time he endeavoured to conciliate the Pasha of Egypt by the payment of a small tribute. In 1831 Syud Saeed entered into an engagement acknowledging his supremacy and agreeing to pay an annual tribute, and the whole of the coast from Ras el Hadd to Koweit, with the exception of Aboo-Dhebbee, became subject to his authority. About this time the Wahabee Chief expressed a desire to enter into intimate relations with the British Government; to this a reply in general but friendly terms was returned.

In 1831 a strong force of Wahabees advanced into Oman. Strict neutrality was enjoined on the British authorities in the Persian Gulf, but the Wahabees were diverted from schemes of foreign invasion by the murder of Toorkee by his nephew Musharee; the latter was in turn put to death by Toorkee's son, Feysul, who then succeeded to power at the age of about thirty-four years. Two years later a large Egyptian force was assembled at Medina, and Feysul was summoned to contribute a contingent of troops. He evaded the demand, the Egyptians therefore advanced into Nejd, defeated him near Riadh, and in December 1838 obtained possession of El Hassa and Kateef. Feysul then surrendered, and was sent prisoner to Egypt. The proceedings of the Egyptians were not viewed with indifference by the British Government: a formal protest was entered by the Resident in the Persian Gulf against the proceedings of Koorshed Pasha, the Egyptian Commander, and assurances were given by the maritime Chiefs that they would abide by the wishes of Government, and resist all attempts of Koorshed Pasha to subjugate them. At length, in consequence of the strong remonstrances of the British Government, the Egyptians evacuated Nejd in May 1840, leaving however Feysul's cousin, Khalid, as Governor on behalf of the Porte. It was in this way that the claims of the Turkish Government to sovereignty in Central Arabia originated, though until quite recently Turkish authority was neither represented nor recognized in Nejd. During Khalid's short rule a British officer was deputed to visit him at El Hassa, and obtained from him an assurance that he had no intention of invading Oman as was then currently reported. In February 1842 Khalid was deposed by his cousin Abdoollah bin Sooneyan,

who in turn was obliged to yield in the following year to Feysul, who had returned from his imprisonment in Egypt.

In 1845 Syud bin Mootluk, Feysul's Lieutenant, ravaged Sohar territory, compelled the Chief to pay a heavy tribute, and put to death the garrison of the fort of Mujees. At the same time he demanded a heavy tribute from Muscat, and prepared to enforce the demand by the invasion of Muscat territory. In consequence of this wanton aggression on the dominions of Syud Saeed a strong demonstration was made by a naval force off the Batinah coast, and forcible remonstrances were addressed to the Wahabee Ameer and his Lieutenant. These measures proved successful. The Muscat Government agreed to pay Feysul an annual tribute of 5,000 crowns, and made a present of 2,000 crowns to Syud bin Mootluk; for these considerations the Wahabees evacuated the fort of Mujees.

In 1851 Feysul attempted to assert authority over the Chief of Bahrein, but a naval force was despatched to Bahrein with instructions to interfere if necessary, and Feysul found himself obliged to make peace with the Chief.

In 1852 during the absence of Syud Saeed at Zanzibar, and while his son, Syud Thoweynee was in charge of the government, Abdoollah bin Feysul invaded Oman with a large force of Wahabees and demanded the cession of Sohar and the payment of a heavy tribute. Owing to the interference of the British Resident, Syud Thoweynee was enabled to enter into negotiations which resulted in an agreement by the Muscat State to pay the Wahabee Ameer an annual tribute of 12,000 crowns, besides arrears to the extent of 60,000 crowns and the usual supply of provisions and stores. The Wahabee Ameer on his part agreed to assist the ruler of Muscat in every difficulty. The boundaries of the two States remained as before.

In 1859 Feysul again interfered in Bahrein affairs, and made extensive preparations at Kateef and Demam for the invasion of the island in favour of Mahomed bin Abdoollah, the refugee Chief of Bahrein. The attitude assumed by the British naval force in the Persian Gulf induced him to abandon his design. He was then required to expel Mahomed bin Abdoollah from Demam, where for sixteen years his intrigues for the recovery of Bahrein had been the cause of constant disquietude. Demam was bombarded in November 1861, and Mahomed bin Abdoollah was compelled to evacuate the fort.

In August 1865 the Janubi tribe, resident at Soor, a town eighty miles south of Muscat, discontented with Syud Thoweynee, invited Abd-ool-Azeez, a brother of the Wahabee Lieutenant, to join them in an attack on Soor. The town was captured and a large amount of property, belonging chiefly to British subjects, was plundered. Remonstrances were addressed to the Wahabee Chief, who replied that he had directed the release of British subjects imprisoned at Soor and the protection of their property, but approved the action of Abd-ool-Azeez. He was then required to send a written apology and to pay compensation for the plundered property, and to give a written assurance that such outrages should not be repeated. As no reply was received within the prescribed time the boats of the *Highflyer* destroyed a fort in Kateef harbour and a war vessel, but met with a check at Demam: the forts at Soor were also destroyed and the vessels of the Janubi tribe were confiscated.

Ameer Feysul bin Toorkee died towards the close of 1865; his son and successor, Abdoollah, sent an envoy to the British Resident to discuss matters with a written Declaration (No. XIV.) that he would not injure British subjects within his dominions, or attack the territories of the Arab tribes in alliance with the British Government, especially those of Muscat, and would limit his demands on that State to receiving the customary tribute. These assurances were considered satisfactory, and the matter was allowed to drop.

Abdoollah bin Feysul had been virtually ruler of Nejd for many years during the old age and blindness of his father. Soon after his accession a struggle for power commenced between him and his brother, Saood, which ended early in 1871 in the defeat and flight of the former and the succession of Saood. Abdoollah bin Feysul appealed for assistance to the Turks, who despatched an expedition from Bagdad for the purpose of supporting him and restoring tranquillity in Nejd. These proceedings were accompanied by explicit assurances that the Porte had no intention of obtaining supremacy over Bahrein, Muscat, or the maritime tribes, or of undertaking any naval operations. During the year 1871 the Turks succeeded in possessing themselves of the district and port of El Hassa and intended apparently to occupy the country permanently. Abdoollah bin Feysul, finding that his restoration to power was not included in the Turkish scheme, escaped from their camp, but

was unable to cope with the superior forces of his brother Saood, who occupied Riadh and the heart of the Wahabee country. Early in 1872, Saood bin Feysul, having failed to procure the arbitration of the British Government, or an assurance that it would protect his territories from attacks by sea, opened negotiations with the Turks, but with no other conclusion than the detention of his brother, Abd-oor-Rahman, at Bagdad as a hostage. Communications also passed between Abdoollah and the Turks, but without any definite result. The Turkish policy in Nejd afterwards underwent a change, the regular troops were withdrawn, Bezeeah bin Areyr of the friendly Beni Khalid tribe was appointed Governor of El Hassa, and a police force was raised for the defence of the frontier. Abd-oor-Rahman bin Feysul was detained at Bagdad till August 1874; on his release he remained for a short time at Bahrein and then proceeded to the mainland, where he raised the Arab tribes in favour of Saood against the Turkish authorities at El Hassa; he met with considerable success, and a large Turkish force had to be sent against him. During these operations Saood bin Feysul died and the contest is now carried on by Abd-oor-Rahman. No coalition appears to have taken place between Abd-oor-Rahman and his brother Abdoollah.

Bahrein.—The island of Bahrein owing to the richness of its pearl-fisheries was long a field of contention between the different powers that have held supremacy in the Persian Gulf.

From the eleventh to the beginning of the sixteenth century the inhabitants of Bahrein, to whom an Arab and Persian descent has been variously assigned, were subject to Chiefs of their own race. In the time of Albuquerque the island fell into the hands of the Portuguese and was retained by them till 1622, when they were expelled by the Persians. After the death of Kureem Khan in 1779, the petty Chiefs of the Persian Gulf, who had been kept in check by the strong hand of Nadir Shah and his successors, became involved in contests for supremacy, and in 1783 the Uttoobee tribe of Arabs, who had for some years inhabited Zobarah in the mainland and were virtually independent, made themselves, with the help of the El Sabah tribe, masters of the island. In 1800 the Imam of Muscat succeeded in conquering Bahrein, but was driven out in the following year by the Uttoobees, who were on this occasion assisted by the Wahabees. In 1810 the Uttoobees drove out the Wahabee Governor by whom the administration of the island was conducted, and in 1815 repelled

an attack by the ruler of Muscat. Since then the Uttoobees have remained paramount in the island, though at various times they professed allegiance to Muscat, the Wahabees, Turkey, and Persia. Bahrein is now held in independence.

In 1820, after the capture of Ras-ool-Kheimah by the expedition sent against the piratical tribes in the Gulf, Sheikh Abdoollah bin Ahmed and Sheikh Suleiman bin Ahmed, who then ruled Bahrein conjointly, signed a preliminary Engagement (No. XV.) not to permit in Bahrein the sale of property procured by plunder and piracy, and to restore all Indian prisoners then in their possession. They also subscribed the general Treaty (See Maritime Tribes No. XXI.) for the pacification of the Persian Gulf.

In 1821 the Chiefs of Bahrein agreed to pay a fixed annual tribute of 30,000 crowns to the ruler of Muscat, but the guarantee of the British Government, for which both parties were anxious, was not given. Subsequently the tribute was reduced to 18,000 crowns, but ceased with the failure of an attack made on the island by Syud Saeed in 1828. In 1830 tribute was demanded by the Wahabees, and their protection was purchased by an annual payment of 4,000 crowns. Three years later the Chief of Bahrein refused allegiance to the Wahabees, induced the neighbouring tribes to make incursions into their territory, and blockaded their ports. The dispute terminated by his promising to pay them a tribute of 2,000 dollars on the understanding that they would assist him against any invaders of Bahrein and would not demand his co-operation against Muscat. In 1839 the commander of the Egyptian forces in the neighbourhood of Bahrein announced his intention of attacking Bahrein as forming part of Nejd over which claims were asserted by Egypt. He was informed that the British Government could not admit any claim of Egypt to Bahrein. Similar claims were advanced by Persia in 1843, but after carefully considering the various statements put forward by her, the British Government declined to recognize the claims of Persia to sovereignty over Bahrein. Shortly after the conclusion of the engagement of 1847, it was reported that overtures had been made to the Chief of Bahrein by the Turkish authorities at Basrah, having for their object his recognition of the supremacy of the Porte. The ministers of the Sultan were accordingly informed that, as the British Government had had Treaty relations with Bahrein as

an independent power, it could not acknowledge or acquiesce in any arrangement for placing the island under the sovereignty or protection of the Porte.

The Chiefs of Bahrein were not parties to any of the agreements concluded after 1820 with the Arab Chiefs except the Engagement (See Maritime Tribes No. XXIV.) for the suppression of the slave trade signed on 8th May 1847 by Mahomed bin Khuleefa, and an additional Agreement (No. XVI.) concluded with that Chief in 1856, by which he bound himself to seize and deliver to British vessels of war slaves brought to his territories from any quarter whatever, and to put an embargo on any vessel belonging to him or his subjects which might be ascertained to have carried slaves.

Mahomed bin Khuleefa was the grandson of Suleiman bin Ahmed, who had signed the general Treaty (No. XXI.) in 1820. Suleiman bin Ahmed died in 1825, and his son, Khuleefa, who had succeeded to his share in the government, died in 1834. Mahomed bin Khuleefa was for some years kept out of power by his grand-uncle Abdoollah bin Ahmed, but in 1843 he succeeded not only in recovering his rights, but in expelling Abdoollah bin Ahmed from Bahrein. The latter, who found refuge in Demam, made several unsuccessful attempts with the help of the Wahabees and the Chief of Koweit to recover his power. He died in 1848, but his son, Mahomed bin Abdoollah, continued the feud. His warlike preparations and his piracies so endangered the peace of the Gulf, that in 1859 he was declared a public enemy and expelled from Demam by a British force. No sooner was this done than Mahomed bin Khuleefa of Bahrein commenced to levy imposts on Wahabee vessels and to carry off their property. On being remonstrated with, he ostensibly put himself under allegiance first to Persia and then to Turkey. The policy of the British Government, however, as guardians of the general tranquillity of the Persian Gulf, required that Bahrein should be considered independent. Early in the year 1861, therefore, when the Chief of Bahrein, in violation of his Treaty engagements, again blockaded the Wahabee ports, he was forced by the Resident in the Persian Gulf to withdraw the blockade, and was required to conclude a perpetual Treaty (No. XVII.) of peace and friendship, binding himself to abstain from war, piracy, and slavery by sea on condition of protection against similar aggressions, and to permit all British subjects to trade with Bahrein on payment of an *ad valorem* duty of 5 per cent. on their goods.

In October 1867 Mahomed bin Khuleefa in concert with Sheikh Saeed bin Khuleefa, Chief of Aboo-Dhebbee, attacked and plundered the tribes on

the neighbouring mainland of El Kutr (Guttur). The ostensible reason for this outrage was the expulsion from Wakrah of the Bahrein Chief's representative in consequence of his having imprisoned and deported to Bahrein a Bedouin belonging to one of the tribes on the mainland. The Bahrein force under Ali bin Khuleefa, who held the government conjointly with his brother Mahomed bin Khuleefa, after destroying a number of boats belonging to the people of El Kutr, was joined, in spite of the warnings of the British Resident, by the Chief of Aboo-Dhebbee with 2,000 men. The combined fleets blockaded the coast, sacked the towns of Wakrah, El Biddaa, Doho, and Dowhah, with circumstances of peculiar barbarity, and plundered property of the estimated value of eleven lakhs of krans.

As both the Bahrein and Aboo-Dhebbee Chiefs are bound by their engagements with the British Government to abstain from aggressions of every kind by sea, to appeal to the British Resident as arbitrator, and to afford full redress for all maritime offences which can justly be charged against them or their subjects, steps were taken to exact reparation for these outrages. Before this could be effected the tribes of El Kutr retaliated by an attack on Bahrein which proved unsuccessful; but in the naval action which took place a number of vessels were destroyed and a great loss of life occurred.

The Resident in the Persian Gulf accompanied by H. M. S. *Vigilant* and the Gun-boats *Clyde* and *Hugh Rose* proceeded to Bahrein. Mahomed bin Khuleefa fled to the El Kutr coast, and an Agreement (No. XVIII.) was signed by his brother Ali bin Khuleefa and the principal persons in Bahrein by which they declared Mahomed bin Khuleefa to have forfeited by his piratical outrages all claim to the Chiefship of Bahrein, and Ali bin Khuleefa bound himself to pay a fine of one lakh of dollars. Under these conditions he was permitted to continue in power, but the fort of Moharrag was destroyed and the war craft belonging to Mahomed bin Khuleefa were burnt. After about one-fifth of the fine had been realized and distributed rateably among the sufferers the remainder was remitted.

Through the mediation of the Resident an Agreement* was also concluded between the Chiefs of Bahrein and El Kutr, determining the amount of

* We, the undersigned Chiefs, all residing in the province of Guttur, do hereby solemnly agree and bind ourselves to pay to Shaikh Ali ben Khalifeh, Chief of Bahrein, the sums of money per

tribute annually payable by Kutr to Bahrein and the manner of its payment. It was understood that this payment of tribute did not affect the independence of El Kutr in relation to Bahrein, but was considered as a fixed contribution by the former towards the black-mail payable by both combined to the El Naeem and Wahabee Bedouins in return for security from molestation, especially during the pearl-fishery season.

The deposed Chief was forbidden to reside at Bahrein, but in January 1869, at the request of Ali bin Khuleefa who believed he could keep a better control over his brother if he resided at Bahrein, Mahomed bin Khuleefa was allowed to return there. He soon however began to intrigue, and it became necessary to deport him to Koweit whence he afterwards proceeded to Kateef. In September 1869 Mahomed bin Khuleefa aided by his relative, Nasir bin Mobarik, and a considerable force of the El Howajir tribe, sailed for Bahrein and attacked the fort of Ruffah then held by Mahomed bin Abdoollah, son of the Chief who died in 1848. An engagement ensued in which, owing mainly to the treachery of Mahomed bin Abdoollah, the Bahrein force was defeated, the Chief, Ali bin Khuleefa, one of his sons, and several of the Bahrein Sheikhs were killed, and the invaders took possession of Manameh

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annum heretofore paid by us to the Chiefs of Bahrein, as follows: this total sum to be paid by us to Mahommed ben Tanee of Dowha and by him to the Resident for delivery to the agent of the Bahrein Chief, at Bushire:—

1,700 Krans	on account	of the Mohonedah tribe.
1,500 Krans	ditto	of the Boo Aynayn and Noaim tribes.
500 Krans	ditto	of the Semsemieh tribe.
500 Krans	ditto	of the Chelaib tribe.
1,500 Krans	ditto	of the Soudan tribe.
2,500 Krans	ditto	of Mohammed bin Tanee and Mosallim.
800 Krans	ditto	of the Amanmerah tribe.
9,000 Krans	Total.	

And we the said Chiefs understanding that the Bahrein Chief claims from us a total of 15,000 Krans per annum in lieu of 9,000 as above set forth, we do hereby further agree to pay any extra sums not aggregating a total larger than 15,000, and which the Resident after judicial investigation may decree.

Written on the 25th Jemadi-ool-Awol 85.
13th September 1868.

and Moharrag, the two chief towns of Bahrein. Manameh was given up to plunder, and property belonging to British subjects and others of the estimated value of upwards of twelve lakhs of rupees was carried off. Mahomed bin Abdoollah then imprisoned Mahomed bin Khuleefa and assumed the government of Bahrein. In order to exact reparation for this unprovoked outrage the British Resident proceeded to Bahrein accompanied by H. M. S. S. *Daphne* and *Nymphe* and the gun-boats, *Hugh Rose* and *Clyde*, of the Bombay Marine. The fort of Manameh was bombarded and destroyed, and, with the exception of Nasir bin Mobarik, who escaped to the mainland, Mahomed bin Khuleefa, Mahomed bin Abdoollah, and the leading marauders were captured, and Esau bin Ali bin Khuleefa, a son of the late Chief, was installed as Chief, on the understanding that the property of the pirate leaders would be considered as forfeited, and applied in the first instance towards the reimbursement of the persons plundered. The prisoners, five in number, were taken to Bombay and confined as State prisoners in the fort of Aseergurh, whence they have since been removed to Chunar. One of them, Nasir bin Ahmed, died at Chunar in 1873. The weakness of Esau bin Ali's rule has more than once led to intrigues for the restoration of the exiled branch of the family, and in 1874 an attack on Bahrein was threatened by their partisans the Beni Hajir tribe, but prevented by the presence of a British vessel. A disposition to interfere under various pretexts in the affairs of Bahrein has on several occasions been evinced by the Turkish authorities, but the British Government has invariably asserted the independence of Bahrein and its freedom from control either by Turkey, Persia, or any other power.

Maritime Tribes.—The possessions of the so-called trucial Chiefs* of the maritime tribes of the Persian Gulf with whom the British Government have concluded Treaties extend from El Kutr (Guttur) beyond the island of Bahrein,

*	*Chief.*	*Tribe.*
1. Aboo-Dhebbee (Aboothabee)	Saeed bin Khuleefa ...	Beni Yas.
2. Debay	Hashar bin Muktoom ...	Al boo Felasah, a branch of Beni Yas.
3. Shargah	Salim bin Sultan bin Suggur...	El Joasim.
4. Ejman	Rashid bin Hameed ...	Al-boo Ali.
5. Umm ool Keiweyn (Amulgavine).	Ahmed bin Abdoollah ...	Al-boo Ali.
6. Ras-ool Kheimah ...	Hameed bin Abdoollah bin Sultan.	El Joasim.

along the coast eastward to Ras-ool-Kheimah. They all pay tribute to the Wahabee Chief of Nejd, but are really independent.

The El Joasim, who have occupied the province of Seer from the earliest times, carried on a vigorous and profitable trade by sea, till, in 1805, they succumbed to the influence of the Wahabees and were drawn into the piratical projects of that turbulent sect. Under their influence the El Joasim plundered two British vessels and treated the commanders with great cruelty. An expedition was sent to the Persian Gulf to punish them for this aggression and to co-operate with the Imam of Muscat, who was then at war with them. The expedition resulted in the conclusion of a Treaty (No. XIX.) on 6th February 1806, binding the El Joasim to respect the flag and property of the British and to assist vessels touching on their coast. This Treaty appears to have been concluded without reference to the Wahabees.

The spread of the Wahabees in Oman soon threatened the ruler of Muscat with destruction, and the British Government determined to support him and to destroy the piratical fleets as the only means of preserving the peace of the Gulf. A strong force was despatched in 1809, which took Ras-ool-Kheimah, Lingah, Luft, and Shinas, and destroyed the boats of the pirates. No Treaty could at this time be concluded with the El Joasim, whose government had been completely overthrown by the Wahabees, nor were any permanent measures taken to secure the advantages gained in 1809; consequently piracy soon re-appeared. In 1814 the El Joasim professed a desire to be at peace with the British Government, provided they were left at liberty to make war on the neighbouring Arab tribes. They even expressed themselves ready to abstain from molesting their Arab neighbours if the British Government would guarantee them protection from the vengeance of the Wahabee Chief. But they were quite unable to make good their professions. Even after the negotiation of preliminary Articles of peace with the Resident at Bushire, the El Joasim attacked and plundered British vessels. Other tribes were soon drawn under the Wahabee influence, and piracy increased beyond endurance. An expedition under Sir W. Grant Keir was therefore despatched to the Persian Gulf in 1819 for the purpose of completely crushing them. Ras-ool-Kheimah was taken on 9th December, and engagements (No. XX.) were made with the Arab Chiefs preliminary to the conclusion of a general Treaty (No. XXI.). The object of the preliminary engagements was to include all matters of a

temporary or individual character, so as to reserve the general Treaty exclusively for arrangements of a permanent nature common to all the Arab Chiefs who might be disposed to subscribe it.

By the 9th Article of the Treaty of 1820 the carrying off of slaves from the coasts of Africa or elsewhere, and the transporting them in vessels, was declared to be plunder and piracy. This was not interpreted as forbidding traffic in slaves, but as prohibiting kidnapping only. A very extensive trade in slaves was carried on from the ports of the Red Sea and Persian Gulf with Kattiawar, Kutch, and the Native States on the west coast of India, which, under the interpretation put on the Treaty of 1820, the British Government had no power to interfere with. In April 1838, under instructions from Government, the Resident in the Persian Gulf obtained from the maritime Chiefs of Ras-ool-Kheimah, Ejman, Debay, and Aboo-Dhebbee an Agreement (No. XXII.) giving to British cruisers the right to detain and search vessels suspected of being employed in carrying off slaves, and to confiscate the vessels if found so employed. In the following year the Chiefs of Ras-ool-Kheimah, Debay, Aboo-Dhebbee, and Umm-ool-Keiweyn entered into an Agreement (No. XXIII.) of three Articles; the first and second of these Articles gave to the British Government the right to search and confiscate slave vessels found beyond a line from Cape Delgado, on the African coast, passing two degrees east of Socotra, and ending at Cape Guadel, on the Mekran coast, unless driven beyond that line by stress of weather or other necessity. By the third Article the sale of persons of the Somalee tribe was declared to be piracy. The same Chiefs and also the Chiefs of Ejman and Bahrein entered into Engagements* (No. XXIV.) in 1847, binding themselves to prohibit, from and after 10th December 1847, the exportation of slaves from the African coast, or elsewhere, in vessels belonging to themselves or their subjects, and authorizing British cruisers to confiscate vessels found engaged in the forbidden traffic. In 1856 the trucial Chiefs signed an Agreement (No. XVI.) similar to that concluded with the Chief of Bahrein. (See p. 41.)

The Treaty concluded with the maritime Arab Chiefs in 1820 did not limit the right of the Chiefs to carry on acknowledged war with each other

* An Act of Parliament 12 and 13 Vic., Chap. LXXXIV., was passed to give effect to these engagements. See Appendix No. IV.

by sea, that is to say, war proclaimed and avowed by one Chief upon another. All other hostile aggressions, however, were declared to be piratical. But under the name of acknowledged war, many acts of piracy were committed, especially during the season of the pearl-fishery. The Chiefs were therefore induced, in 1835, to bind themselves by a maritime truce, not, under any circumstances, to engage in hostilities by sea for a period of six months, on the understanding that the British Government would not interfere with their wars by land. The effects of this truce were so marked that the Chiefs were easily persuaded in the following year, and again in 1837 to renew it for eight months. Thereafter it was renewed annually till 1843, when it was prolonged (No. XXV.) for ten years. On the expiry of the ten years' truce in 1853, a Treaty (No. XXVI.) of perpetual peace was concluded, which provided that there should be a complete cessation of hostilities at sea between the subjects of the subscribing parties; that in the event of aggressions on any one by sea, the injured tribe should not retaliate, but refer the matter to the British authorities in the Persian Gulf; and that the British Government should watch over the peace of the Gulf and ensure at all times the due observance of the Treaty.

In 1864 the maritime Chiefs bound themselves (No. XXVII.) to prevent their subjects from interfering with the telegraphic operations in or near their territories.

In 1867 the Chief of Aboo-Dhebbee joined the Chief of Bahrein in a piratical outrage on the tribes inhabiting the El Kutr coast. On the appearance of British vessels of war off Aboo-Dhebbee the Chief signed an Agreement (No. XXVIII.) not to commit any breach of the maritime peace and to pay a fine of 25,000 dollars. After about one-fourth of this fine had been realized, the remainder was remitted in consequence of the subsequent good behaviour of the Chief. (See Bahrein, p. 42.)

At the same time an Agreement (No. XXIX.) was signed by Mahomed bin Thanee, the principal Chief of El Kutr, by which he bound himself not to put to sea with hostile intentions, to have no connection with Mahomed bin Khuleefa and to refer any difference of opinion with the Chief of Bahrein to the arbitration of the British Resident.

For losses occasioned to British subjects on this occasion a fine of Rupees 3,740 was recovered from the Chief of Wakrah on the El Kutr coast.

In 1873 the maritime Chiefs renewed (Nos. XXX. and XXXI.) their engagements to prohibit the traffic in slaves.

These Chiefs are constantly engaged in hostilities with each other on land, but the British Government does not interfere so long as the maritime peace is not broken. A Native Agent is stationed at Shargah, but makes frequent visits to the adjoining ports; his duties are to protect British subjects and property, prevent a breach of the maritime peace, settle claims, and afford aid to shipwrecked crews.

No. XIV.

TRANSLATION of the DECLARATION of the WAHABEE AMEER.

I, Mahomed bin Abdullah bin Maneh, am certain on the following points:—

I am authorized by Imaum Abdullah bin Fysul to request the Sahib, the Resident in the Persian Gulf, to become the medium of friendship between Imaum Abdullah bin Fysul and the British Government.

Secondly.—I assure the Resident in the Persian Gulf on the part of Imaum Abdullah bin Fysul that he will not oppose or injure British subjects residing in territories under the authority of Abdullah bin Fysul; and

Thirdly.—I assure the Resident in the Persian Gulf on the part of Imaum Abdullah bin Fysul that he will not injure or attack the territories of the Arab tribes in alliance with the British Government, especially on the Kingdom of Muscat, further than in receiving the zukat that has been customary of old.

Written by my hand at Bushire, on Saturday, the 5th day of Zilhejeh 1282 (21st day of April 1866.)

L. S.

(Sd.) MAHOMED bin ABDULLAH bin MANEH.

No. XV.

TRANSLATION of the PRELIMINARY TREATY with the SHEIKHS of BAHREIN.

In the name of God, the merciful, the compassionate!

Know all men, there hath come into the presence of General Sir William Grant Keir the Saeed Abdool Jalil, Vakeel on the part of the Sheikhs Suleiman bin Ahmed and Abdoolla bin Ahmed, and there have passed between the General and the said Abdool Jailil, on the part of the above named, the following stipulations:—

ARTICLE 1.

That the Sheikhs shall not permit from henceforth, in Bahrein or its dependencies, the sale of any commodities which have been procured by means of plunder and piracy, nor allow their people to sell any thing of any kind whatsoever to such persons as may be engaged in the practice of plunder and piracy; and if any of their people shall act contrary hereto, it shall be equivalent to an act of piracy on the part of such individuals.

ARTICLE 2.

That they shall deliver up all the Indian prisoners who may be in their possession.

ARTICLE 3.

The Sheikhs Suleiman bin Ahmed and Abdoolla bin Ahmed shall be admitted to the terms of the general Treaty with the friendly Arabs. • End of the Articles.

Issued at Shargah in triplicate, on Saturday, the twentieth of the month of Rabe-ool-Thany, in the year of the Hegira one thousand two hundred and thirty-five, corresponding to the fifth of February one thousand eight hundred and twenty.

L. S.

(Sd.) W. G. KEIR,
Major General.

The above Articles accepted by me in quality of Vakeel of the Sheikhs named above.

(Sd.) SAEED ABDAL JALIL BIN SAEED YASAL TABATABAY.

No. XVI.

TRANSLATION of a further ENGAGEMENT entered into by SHEIKH MAHOMED BIN KHALEEFA, CHIEF of BAHREIN, with the BRITISH GOVERNMENT, for the more effectual suppression of the SLAVE TRADE.

It having been notified to me by Captain Jones, Resident in the Persian Gulf, that an Article was omitted to be inserted in the Conventions entered into by the Maritime Chiefs of the Arabian Coast and Oman with the British Government for the purpose of prohibiting the importation of, and traffic in, slaves, which Convention on my part bears date the 22nd Jumadee-ool-awal 1263 A. H.=8th May 1847 accordingly, I, Sheikh Mahomed bin Khaleefa, Chief of Bahrein, do hereby engage and bind myself (purely out of friendship to the Sirkar, and to assist it in effectually attaining the object it desires) to put into execution the said Article.

The Article is this:—

Whensoever it shall become known and certain that from any quarter whatsoever slaves have been brought to my territories, or to any places subject to my authority, I, of my own free will and accord, will seize the said slaves and deliver them over to the British vessels of war. Further, should it be ascertained that slaves have been carried in any of my vessels, or in the vessels of people, my subjects, or dependants, and it should happen that the Government cruizers did not fall in with the said vessels, then, no matter where the slaves have been landed, do I hereby bind myself to place an embargo upon the delinquent boat and her Nakhoda until such time as instructions have been received from the Resident at Bushire regarding them.

Dated this 5th day of Ramzan, A. H. 1272 (*or 10th day of May* 1856 *A.D.*).

L. S.

SHEIKH MAHOMED BIN KHALEFFA.

A similar engagement was entered into by the Maritime Chiefs of Ras-ool-Kheirmah, Ummool Keirweyn, Debay, Ejman and Aboo Dhebbee.

No. XVII.

TERMS of a FRIENDLY CONVENTION entered into between SHEIKH MAHOMED BIN KHULEEFA, INDEPENDENT RULER of BAHREIN, on the part of HIMSELF and SUCCESSORS, and CAPTAIN FELIX JONES, HER MAJESTY'S INDIAN NAVY, POLITICAL RESIDENT of HER BRITANNIC MAJESTY in the GULF of PERSIA, on the part of the BRITISH GOVERNMENT.

Preliminary.—Considering the tribe disorders which arise and are perpetuated from maritime aggressions in the Persian Gulf, I, Sheikh Mahomed bin Khuleefa, independent ruler of Bahrein, on my own part and on that of my heirs and successors, in the presence of the Chiefs and elders who are witnesses to this document, do subscribe and agree to a perpetual Treaty of peace and friendship with the British Government, having for its object the advancement of trade and the security of all classes of people navigating or residing upon the coasts of this sea:—

ARTICLE 1.

I recognize as valid and in force all former Treaties and Conventions agreed to between the Chiefs of Bahrein and the British Government, either direct or through the mediation of its representatives in this Gulf.

ARTICLE 2.

I agree to abstain from all maritime aggressions of every description, from the prosecution of war, piracy and slavery by sea, so long as I receive the support of the British Government in the maintenance of the security of my own possessions against similar aggressions directed against them by the Chiefs and tribes of this Gulf.

ARTICLE 3.

In order that the above engagements may be fulfilled, I agree to make known all aggressions and depredations which may be designed, or have place at sea, against myself, territories, or subjects, as early as possible, to the British Resident in the Persian Gulf, as the arbitrator in such cases, promising that no act of aggression or retaliation shall be committed at sea by Bahrein, or in the name of Bahrein, by myself or others under me, on other tribes without his consent or that of the British Government, if it should be necessary to procure it. And the British Resident engages that he will forthwith take the necessary steps for obtaining reparation for every injury proved to have been inflicted, or in course of infliction by sea upon Bahrein, or upon its dependencies in this Gulf. In like manner, I, Sheikh Mahomed bin Khuleefa, will afford full redress for all maritime offences, which in justice can be charged against my subjects, or myself, as the ruler of Bahrein.

ARTICLE 4.

British subjects of every denomination, it is understood, may reside in, and carry on their lawful trade in the territories of Bahrein, their goods being subject only to an *ad valorem* duty of 5 per cent. in cash or in kind. This amount once paid shall not be demanded again on the same goods if exported from Bahrein to other places; and in respect to the treatment of British subjects and dependants, they shall receive the treatment and consideration of

the subjects and dependants of the most favoured people. All offences which they may commit, or which may be committed against them, shall be reserved for the decision of the British Resident, provided the British Agent located at Bahrein shall fail to adjust them satisfactorily. In like manner, the British Resident will use his good offices for the welfare of the subjects of Bahrein in the ports of the maritime Arab tribes of this Gulf in alliance with the British Government.

ARTICLE 5.

These Articles of alliance shall have effect from the date of ratification or approval by the British Government.

Done at Bahrein this twentieth day of Zilkad, in the year of the Hegira 1277, *corresponding with the thirty-first day of May* 1861.

Signature and Seal of FELIX JONES,
Political Resident in the Persian Gulf.

Elders of Bahrein and witnesses to this Convention.

Seal of Sheikh Mahomed, Ruler of Bahrein.

Seal of Sheikh Ali bin Khuleefa, Brother of the above.

Seal of Sheikh Hamid bin Mahomed, Cousin of Sheikh Mahomed.

Seal of Sheikh Ahmed bin Mubarek, Cousin of Sheikh Mahomed.

Seal of Sheikh Khuleefa bin Mahomed, Cousin of Sheikh Mahomed.

Approved by His Excellency the Governor General in Council on the 9th October 1861, and ratified by the Government of Bombay on 25th February 1862.

No. XVIII.

TRANSLATION of the AGREEMENT entered into by ALI BIN KHULEEFA, SHEIKH of BAHREIN.

We, the undersigned, Ali bin Khalifeh and the inhabitants and subjects of Bahrein in general, do hereby declare that Mahomed bin Khalifeh having repeatedly committed acts of piracy and other irregularities at sea, and having now, after his recent piratical act, fled from Bahrein, has forfeited all claim to his title as principal Shaikh and Chief of Bahrein, and at the present moment there being no other Shaikh, I, Ali bin Khalifeh, received the Resident's letter addressed to Mahomed bin Khalifeh, and have understood the demands therein made, and I hereby agree and accept the conditions as follows:—

1*st.*—To make over to-morrow morning, 19th Jemadi-ool-awul 1285 (7th September 1868), to the high in rank, Captain Brown, Commanding Her Majesty's ships present, all the war buglas and buteels belonging to Mahomed bin Khalifeh and myself.

2*nd.*—To pay the Resident the sum of one lakh of dollars in the manner specified below:—

25,000 dollars cash, payable on the spot on the 7th September 1868.

75,000 dollars by three annual instalments of 25,000 dollars each instalment, being payable on the 7th September of each successive year until the total sum is paid up.

3*rd.*—To consider Mahomed bin Khalifeh as permanently excluded from all participation in the affairs of Bahrein, and as having no claim to that territory, and in case of his returning to Bahrein, I promise to seize and make him over to the Resident. But if I do not act up to the stipulations now agreed, I may be considered a pirate, as Mahomed bin Khalifeh himself.

4*th.*—In view of preserving the peace at sea, and precluding the occurrence of further disturbance, and in order to keep the Resident informed of what happens, I promise to appoint an Agent on my part at Bushire.

Written on the 18*th Jemadi-ool-awul* 1285 = 6*th September* 1868.

No. XIX.

COULNAMAH or AGREEMENT between SHEIKH ABDULLA BIN CROOSH, on the part of SHEIKH-UL MUS SHEIKH AMEER SULTAN BIN SUGGUR, BIN KASHID, JOASMEE, and CAPTAIN DAVID SETON, on the part of the HONOURABLE EAST INDIA COMPANY. In BUNDER ABBASS, this 6th day of February 1806.

ARTICLE 1.

There shall be peace between the Honourable East India Company and Sultan bin Suggur, Joasmee, and the whole of his dependants and subjects on the shores of Arabia and Persia, and they shall respect the flag and property of the Honourable East India Company, and their subjects wherever and in whatever it may be, and the same the Honourable East India Company towards the Joasmee.

ARTICLE 2.

Should the Joasmee infringe the above, they shall be liable in the sum of dollars 30,000, and on this condition Captain David Seton agrees to receive from Ameer Sultan bin Suggur the Brig now laying at Muscat, and to drop the claims to the cargo guns, &c., of the said vessel and the *Shannon*.

ARTICLE 3.

Whatever British property shall be found in the Sorie fleet shall be restored.

ARTICLE 4.

Should any British vessel touch on the coasts of the Joasmee for wood or water, or be forced on shore by stress of weather, or any other cause, the Joasmee shall assist and protect the said vessel and property, and permit it to be disposed of or carried away, as their owners shall see fit, without claim or demand.

ARTICLE 5.

Should Johood compel the Joasmee to infringe this peace, they shall give three months' previous notice in all places.

ARTICLE 6.

When the above is confirmed and ratified by both parties, the Joasmee shall frequent the English ports from Surat to Bengal as before.

(Sd.) DAVID SETON.
(Sealed) ABDULLAH BIN CROOSH.

Signed, sealed, and confirmed.

SULTAN BIN SUGGUR.

Approved and sanctioned by the Governor General in Council on 29th April 1806.

No. XX.

TRANSLATION of the PRELIMINARY TREATY with SULTAN BIN SUGGUR.

In the name of God, the merciful, the compassionate!

Know all men that Sultan bin Suggur has been in the presence of General Sir William Grant Keir, and there have passed between them the following stipulations:—

ARTICLE 1.

Sultan bin Suggur shall surrender to the General towers, guns, and vessels which are in Shargah, Imam, Umm-ool-keiweyn, and their dependencies.

The General will leave the boats which are for the pearl fishery and fishing boats, and the remainder of the vessels shall be at the disposal of the General.

ARTICLE 2.

Sultan bin Suggur shall give up all the Indian prisoners if any such are in his possession.

ARTICLE 3.

The General will not allow the troops to enter the towns to lay them waste.

ARTICLE 4.

After the execution of these engagements, Sultan bin Suggur shall be admitted to the same terms of peace as the remainder of the friendly (" or pacificated") Arabs.

On these conditions there is a cessation of hostilities between the General and Sultan bin Suggur and his followers, with the exception that their boats are not to go to sea.

Done at Ras-ool-Kheimah on the twentieth of Rabee-ul-Awul, in the year 1235, *corresponding to the sixth of January one thousand eight hundred and twenty.*

L. S. (Sd.) W. GRANT KEIR,
Major General.

L. S. SULTAN BIN SUGGUR,
with his own hand.

Copy of the Articles entered into with Sultan bin Suggur. Witness my hand and seal.

L. S. (Sd.) W. GRANT KEIR,
Major General.

TRANSLATION of the PRELIMINARY TREATY with HASSUN-BIN RAHMAH.

In the name of God, the merciful, the compassionate!

Know all men that Hassun bin Rahmah has been in the presence of General Sir William Grant Keir, and there have passed between them the following stipulations:—

ARTICLE 1.

The town of Ras-ool-Kheimah and Maharra, and the towers which are in the date groves near the town, shall remain in the hands of the British Government.

ARTICLE 2.

If any of the vessels of Hassun bin Rahmah are in Shargah or Umm-ool-keiweyn or Imam, or any other of the places to which the General shall go with the force, they shall be surrendered to the General, and the General will leave those which are for the pearl fishery and fishing boats.

ARTICLE 3.

Hassun bin Rahmah shall give up all the Indian prisoners if any such are in his possession.

ARTICLE 4.

After the execution of these engagements, Hassun bin Rahmah shall be admitted to the terms of the general Treaty with the friendly (literally the pacificated) Arabs. End of the Articles.

Issued at Ras-ool-Kheimah in the forenoon of Saturday, the twenty-second of the month of Rabe-ul-Awul, in the year of the Hegira one thousand two hundred and thirty-five, corresponding to the eighth of January 1820.

L. S. (Sd.) W. GRANT KEIR,
Major General.

L. S. The signature of HASSUN BIN RAHMAH.

Copy of the Articles between the General and Hossun bin Rahmah. Witness my hand and seal.

L. S. (Sd.) W. GRANT KEIR,
Major General.

TRANSLATION of the PRELIMINARY TREATY with the SHEIKH of DEBAY.

In the name of God, the merciful, the compassionate!

Know all men that Mahomed bin Haza bin Zaal, a minor, accompanied by Ahmed bin Futeiss, has been in the presence of General Sir William Grant Keir, and there have passed between them the following stipulations:—

ARTICLE 1.

The people of Debay shall surrender to the General the vessels which are in Debay and its dependencies and the guns which are in the town and in the towers. The General will leave the boats which are for the pearl fishery and fishing boats.

ARTICLE 2.

The people of Debay shall give up all the Indian prisoners if any such are in their possession.

ARTICLE 3.

The General will not allow the troops to enter the town to lay it waste, and further, as a mark of consideration towards His Highness the Imam Saced bin Sultan on the part of the General, he will not demolish the fort and towers.

ARTICLE 4.

After the execution of these engagements, Mahomed bin Haza bin Zaal and his followers shall be admitted to the same terms of peace as the remainder of the friendly (literally the "pacificated") Arabs.

On these conditions there is a cessation of hostilities between the British and Mahomed bin Haza bin Zaal and his followers, with the exception that their boats are not to go to sea.

Done at Ras-ool-Kheimah on the 23rd of the month of Rabe-ul-Awul, in the year 1235, *corresponding to the 9th of January* 1820.

L. S.

(Sd.) W. GRANT KEIR,
Major General.

Seal of Ahmed Futeis.

Witnessed by the signature of Sheikh Hamza bin Mahomed bin Zubu al Moyzzine, Sheikh of Kishme, with his own hand.

Copy of the Articles between the General and Mahomed bin Haza bin Zaal.

Witness my hand and seal.

L. S.

(Sd.) W. GRANT KEIR,
Major General.

TRANSLATION of the PRELIMINARY TREATY with SHEIKH SHAHBOUT, of ABOO DHEBBEE.

In the name of God, the merciful, the compassionate!

Know all men that Sheikh Shahbout bin Dhyab al Talahij has been in the presence of General Sir William Grant Keir, and there have passed between them the following stipulations:

ARTICLE 1.

If in Aboo Dhebbee or any other of the places belonging to Sheikh Shahbout there are any of the vessels of the piratical powers which have been

attached or may be hereafter attached by the General during the present war against the pirates, he shall deliver such vessels to the General.

ARTICLE 2.

Sheikh Shahbout shall be admitted to the terms of the general Treaty with the friendly Arabs.

Done at Ras-ool-Kheimah on the twenty-fifth of the Rabee-ul-Awul, in the year one thousand two hundred and thirty-five, corresponding to the eleventh of January 1820.

L. S. (Sd.) W. GRANT KEIR,
Major General.

L. S. (Sd.) SHAHBOUT.

Copy of the Articles between the General and Sheikh Shahbout.

Witness my hand and seal.

L. S. (Sd.) W. GRANT KEIR,
Major General.

TRANSLATION of the PRELIMINARY TREATY with HASSUN BIN ALI.

In the name of God, the merciful, the compassionate!

Know all men that Hassun bin Ali has been in the presence of General Sir William Grant Keir, and there have passed between them the following stipulations:—

ARTICLE 1.

If any of the vessels of Hassun bin Ali are in Shargah, or Umm-ool-keiweyn or Imam, or Aboo Dhebbee, or any other of the places to which the General shall go with the force, such vessels shall be surrendered to the General, and the General will leave those which are for the pearl fishery and fishing boats.

ARTICLE 2.

Hassun bin Ali shall give up all the Indian prisoners if any such are in his possession.

ARTICLE 3.

After this Hassun bin Ali shall be admitted to the terms of the general Treaty with the friendly (literally the "pacificated") Arabs. End of the Articles.

Issued at Ras-ool-Kheimah in the forenoon of Saturday, the twenty-ninth of the month of Rabe-ul-Awul, in the year one thousand two hundred and thirty-five, corresponding to the 15th of January 1820.

L. S. (Sd.) W. GRANT KEIR,
Major General.

L. S. (Sd.) HASSUN BIN ALI.

Copy of the Articles entered into between the General and Hassun bin Ali in the forenoon of Saturday, the twenty-ninth of Rabe-ul-Awul, in the year of Hegira one thousand two hundred and thirty-five, corresponding to the 15th of January 1820.

Witness my hand and seal.

L. S. (Sd.) W. GRANT KEIR,
Major General.

No. XXI.

TRANSLATION of the GENERAL TREATY with the ARAB TRIBES of the PERSIAN GULF.

In the name of God, the merciful, the compassionate!

Praise be to God, who hath ordained peace to be a blessing to his creatures. There is established a lasting peace between the British Government and the Arab tribes, who are parties to this contract, on the following conditions:—

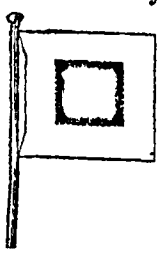
ARTICLE 1.

There shall be a cessation of plunder and piracy by land and sea on the part of the Arabs, who are parties to this contract, for ever.

ARTICLE 2.

If any individual of the people of the Arabs contracting shall attack any that pass by land or sea of any nation whatsoever, in the way of plunder and piracy and not of acknowledged war, he shall be accounted an enemy of all mankind and shall be held to have forfeited both life and goods. And acknowledged war is that which is proclaimed, avowed, and ordered by government against government; and the killing of men and taking of goods without proclamation, avowal, and the order of a government, is plunder and piracy.

ARTICLE 3.



The friendly (literally the pacificated) Arabs shall carry by land and sea a red flag, with or without letters in it, at their option, and this shall be in a border of white, the breadth of the white in the border being equal to the breadth of the red, as represented in the margin, (the whole forming the flag known in the British Navy by the title of white pierced red,) and this shall be the flag of the friendly Arabs, and they shall use it and no other.

ARTICLE 4.

The pacificated tribes shall all of them continue in their former relations, with the exception that they shall be at peace with the British Government, and shall not fight with each other, and the flag shall be a symbol of this only and of nothing further.

ARTICLE 5.

The vessels of the friendly Arabs shall all of them have in their possession a paper (Register) signed with the signature of their Chief, in which shall be the name of the vessel, its length, its breadth, and how many Karahs it holds. And they shall also have in their possession another writing (Port Clearance) signed with the signature of their Chief, in which shall be the name of the owner, the name of the Nacodah, the number of men, the number of arms, from whence sailed, at what time, and to what port bound. And if a British or other vessel meets them, they shall produce the Register and the Clearance.

ARTICLE 6.

The friendly Arabs, if they choose, shall send an envoy to the British Residency in the Persian Gulf with the necessary accompaniments, and he shall remain there for the transaction of their business with the Residency; and the British Government, if it chooses, shall send an envoy also to them in like manner; and the envoy shall add his signature to the signature of the Chief in the paper (Register) of their vessels, which contains the length of the vessel, its breadth, and tonnage; the signature of the envoy to be renewed every year. Also all such envoys shall be at the expense of their own party.

ARTICLE 7.

If any tribe, or others, shall not desist from plunder and piracy, the friendly Arabs shall act against them according to their ability and circumstances, and an arrangement for this purpose shall take place between the friendly Arabs and the British at the time when such plunder and piracy shall occur.

ARTICLE 8.

The putting men to death after they have given up their arms, is an act of piracy and not of acknowledged war; and if any tribe shall put to death any persons, either Mahomedans or others, after they have given up their

arms, such tribe shall be held to have broken the peace; and the friendly Arabs shall act against them in conjunction with the British, and, God willing, the war against them shall not cease until the surrender of those who performed the act and of those who ordered it.

ARTICLE 9.

The carrying off of slaves, men, women, or children from the coasts of Africa or elsewhere, and the transporting them in vessels, is plunder and piracy, and the friendly Arabs shall do nothing of this nature.

ARTICLE 10.

The vessels of the friendly Arabs, bearing their flag above described, shall enter into all the British ports and into the ports of the allies of the British so far as they shall be able to effect it; and they shall buy and sell therein, and if any shall attack them, the British Government shall take notice of it.

ARTICLE 11.

These conditions aforesaid shall be common to all tribes and persons, who shall hereafter adhere thereto in the same manner as to those who adhere to them at the time present. End of the Articles.

Issued at Ras-ool-Kheimah, in triplicate, at mid-day, on Saturday, the twenty-second of the month of Rabe-ul-Awul, in the year of the Hegira one thousand two hundred and thirty-five, corresponding to the eighth of January one thousand eight hundred and twenty, and signed by the contracting parties at the places and times under written.

Signed at Ras-ool-Kheimah at the time of issue by

L. S. (Sd.) W. GRANT KEIR,
Major General.

L. S. (Sd.) HASSUN BIN RAHMAH,
Sheikh of Hatt and Falna, formerly of Ras-ool-Kheimah.

L. S. (Sd.) RAZIB BIN AHMED,
Sheikh of Jourat al Kamra.

(An exact translation.)

(Sd.) J. P. THOMPSON, *Captain,*
17th Light Dragoons and Interpreter.

Signed at Ras-ool-Kheimah, on Tuesday, the twenty-fifth of the month of Rabe-ul-Awul, in the year of the Hegira one thousand two hundred and thirty-five, corresponding to the eleventh of January 1820.

L. S. (Sd.) SHAKBOUT,
Sheikh of Aboo Dehbbee.

Signed at Ras-ool-Kheimah, at mid-day, on Saturday, the twenty-ninth of the month Rabe-ul-Awul, in the year of the Hegira one thousand two hundred and thirty-five, corresponding to the fifteenth of January 1820.

L. S.

(Sd.) HASSUN BIN ALI,
Sheikh of Zyah.

The seal is Captain Thompson's, as Sheikh Hassun bin Ali had not a seal at the time of signature.

Copy of the general Treaty with the friendly (literally the "pacificated") Arabs, with the signatures attached to it, up to the fifteenth day of January 1820 inclusive. Given under my hand and seal.

L. S.

(Sd.) W. GRANT KEIR,
Major General.

(Sd.) T. P. THOMPSON, *Captain,*
17th Light Dragoons, and Interpreter.

Ratified by the Governor General in Council on 2nd April 1820.

Signed for Mahomed bin Haza bin Zaal, Sheikh of Debay, a minor, at Shargah, on Friday, the twelfth of the month of Rubee-oos-Sanee, in the year of the Hegira one thousand two hundred and thirty-five, corresponding to the twenty-eighth of January 1820.

L. S.

(Sd.) SAEED BIN SYF,
Uncle of Sheikh Mahomed.

Signed at Shargah, at mid-day, on Friday, the nineteenth of the month of Rubee-oos-Sanee, in the year of the Hegira one thousand two hundred and thirty-five, corresponding to the fourth of February 1820.

L. S.

(Sd.) SULTAN BIN SUGGUR,
Chief of Shargah.

Signed, at Shargah, by the Vakeel on the part of the Sheikhs Suleman bin Ahmed and Abdoolla bin Ahmed, in his quality of Vakeel to the Sheikhs aforesaid, on Saturday, the twentieth of the month of Rubee-oos-Sanee, in

the year of the Hegira one thousand two hundred and thirty-five, corresponding to the 5th of February 1820.

L. S.

(Sd.) Syud Abdool Jabel bin Syud Yas,
Vakeel of Sheikh Suleman bin Ahmed and Sheikh Abdoolla bin Ahmed, of the family of Khalifa, Sheikhs of Bahrein.

Signed and accepted by Suleman bin Ahmed, of the house of Khalifa, at Bahrein, on the ninth of Jemmadee-ool-Awul, in the year of the Hegira one thousand two hundred and thirty-five, corresponding to the twenty-third of February 1820.

L. S.

Signed and accepted by Abdoolla bin Ahmed, of the house of Khalifa, at Bahrein, on the ninth of Jemmadee-ool-Awul, in the year of the Hegira one thousand two hundred and thirty-five, corresponding to the twenty-third of February 1820.

L. S.

Signed at Faleia, at noon, on Wednesday, the twenty-ninth of the month of Jemadee-ool-Awul, in the year of the Hegira one thousand two hundred and thirty-five, corresponding to the fifteenth of March 1820.

L. S.

(Sd.) Rashed bin Hamid,
Chief of Ejman.

Signed at Faleia, at noon, on Wednesday, the twenty-ninth of the month of Jemmadee-ool-Awul, in the year of the Hegira one thousand two hundred and thirty-five, corresponding to the fifteenth of March 1820.

L. S.

(Sd.) Abdoolla bin Rashid,
Chief of Umm-ool-Keiweyn.

L. S.

(Sd.) W. Grant Keir,
Major General.

No. XXII.

ARTICLE of AGREEMENT entered into by SHEIKH SULTAN BIN SUGGUR, dated Shargah, the 22nd Mohurrum A.H. 1254, or 17th April A.D. 1838.

In the event of vessels connected with my ports, or belonging to my subjects, coming under the suspicion of being employed in the carrying off (literally stealing) and embarkation of slaves, men, women, or children, I, Sultan bin Suggur, Sheikh of the Joasmee Tribe, do hereby agree to their being detained and searched, whenever and wherever they may be fallen in with on the seas, by the cruizers of the British Government; and further that upon its being ascertained that the crews have carried off (literally "stolen") and embarked slaves, their vessels shall be liable to seizure and confiscation by the aforesaid cruizers.

Sealed by SULTAN BIN SUGGUR.

Sealed by SULTAN BIN SUGGUR.

Similar agreements signed by Sheikh Rashed bin Hamid, of Ejman; Sheikh Muktoom bin butye, of Debay; Sheikh Khuleefa bin Shakbout, of Aboo Dhebbee.

No. XXIII.

TRANSLATION of an AGREEMENT entered into by SHEIKH SULTAN BIN SUGGUR, CHIEF of RAS-OOL-KHEIMAH, dated off Ras-ool-Kheimah, 3rd July 1839.

I, Sultan bin Suggur, Sheikh of the Joasmee Tribe, do hereby declare that I bind and pledge myself to the British Government in the following engagements:—

ARTICLE 1.

That the Government cruizers, whenever they may meet any vessel belonging to myself or my subjects beyond direct line drawn from Cape Dalgado, passing two degrees seaward of the Island of Socotra, and ending at Cape Guadel, and shall suspect that such vessel is engaged in the slave trade, the said cruizers are permitted to detain and search it.

ARTICLE 2.

Should it on examination be proved that any vessel belonging to myself or my subjects is carrying slaves, whether men, women, or children, for sale beyond the aforesaid line, then the government cruizers shall seize and confiscate such vessel and her cargo. But if the aforesaid vessel shall pass beyond the aforesaid line owing to stress of weather, or other case of necessity not under control, then she shall not be seized.

ARTICLE 3.

As the selling of males and females, whether grown up or young, who are "Hoor" or free, is contrary to the Mahomedan religion, and whereas the Soomalee tribe is included in the "Hoor" or free, I, Sultan bin Suggur, do hereby agree that the sale of males and females, whether young or old, of the Soomalee tribe, shall be considered as piracy, and that after four months from this date, all those of my people convicted of being concerned in such an act shall be punished the same as pirates.

Seal of SULTAN BIN SUGGUR.

NOTE.—A similar agreement to the above was entered into by Sheikh Khuleefa bin Shakbout on the 1st July 1839, and by Sheikh Muktoom, of Debay, and Sheikh Abdoola bin Rashed of Umm-ool-Keiweyn, on the 2nd of the same month.

No. XXIV.

TRANSLATION of an ENGAGEMENT entered into by SHEIKH SULTAN BIN SUGGUR, CHIEF of RAS-OOL-KHEIMAH and SHARGAH, for the ABOLITION of the AFRICAN SLAVE TRADE in his PORTS.

It having been intimated to me by Major Hennell, the Resident in the Persian Gulf, that certain conventions have lately been entered into by His Highness the Imam of Muscat and other powers with the British Government for the purpose of preventing the exportation of slaves from the African coast and elsewhere, and it having, moreover, been explained to me that, in order to the full attainment of the objects contemplated by the aforesaid conventions, the concurrence and co-operation of the Chiefs of the several ports situated on the Arabian coast of the Persian Gulf are required, accordingly I, Sheikh Sultan bin Suggur, Chief of the Joasmee tribe, with a view to strengthen the bonds of friendship existing between me and the British Government, do hereby engage to prohibit the exportation of slaves from the coasts of Africa and elsewhere on board of my vessels and those belonging to my subjects or dependants; such prohibition to take effect from the 1st day of Mohurrum A.H. 1264, (or 10th December A.D. 1847.)

And I do further consent that whenever the cruizers of the British Government fall in with any of my vessels, or those belonging to my subjects or dependants, suspected of being engaged in slave trade, they may detain and search them; and in case of their finding that any of the vessels aforesaid have violated this engagement, by the exportation of slaves from the coasts of

Africa, or elsewhere, upon any pretext whatever, they (the government cruizers) shall seize and confiscate the same.

Dated this 14th day of Jemmadee-ool-Awul A.H. 1263, *or 30th day of April A.D.* 1847.

L.S. (Sd.) SHEIKH SULTAN BIN SUGGUR.

Debay.—Sheikh Muktoom's Engagement is dated 14th Jemmadee-ool-Awul 1263, or 30th April 1847.

Ejman.—Sheikh Abdool Azeez's Engagement is dated 15th Jemmadee-ool-Awul 1263, or 1st May 1847.

Umm-ool-Keiweyn.—Sheikh Abdoolla bin Rashed's Engagement is dated 15th Jemmadee-ool-Awul 1263, or 1st May 1847.

Aboo Dhebbee.—Sheikh Saeed bin Tahnoon's Engagement is dated 17th Jemmadee-ool-Awul 1263, or 3rd May 1847.

Bahrein.—Sheikh Mahomed bin Khuleefa's Engagement is dated 22nd Jemmadee-ool-Awul 1263, or 8th May 1847.

No. XXV.

TERMS of a MARITIME TRUCE for TEN YEARS agreed upon by the CHIEFS of the ARABIAN COAST, under the mediation of the RESIDENT in the PERSIAN GULF, dated 1st June 1843.

We, whose seals are hereunto affixed, *viz.*, Sultan bin Suggur, Chief of the Joasmee Tribe, Khuleefa bin Shakbout, Chief of the Beniyas, Muktoom bin Butye, Chief of the Boo Falasa, Abdoollah bin Rashed, Chief of Umm-ool-Keiweyn, Abdool Azeez bin Rashed, Chief of Ejman, being fully impressed with a sense of the evil consequences arising from our subjects and dependants being prevented carrying on the pearl fishery without interruption on the banks, owing to the various feuds existing amongst ourselves, and, moreover, duly appreciating the general advantage to be derived from the establishment of a truce, do hereby agree to bind ourselves down to observe the following conditions:—

ARTICLE 1.

That from the 1st June A.D. 1843 (the corresponding Mahomedan date 2nd Jemmadee-ool-Awul Hegira 1259), there shall be a cessation of hostilities at sea between our respective subjects and dependants, and that from the above date until the termination of the month of May A.D. 1853, an inviolable truce shall be established, during which period our several claims upon each other shall rest in abeyance.

ARTICLE 2.

That in the event of any of our subjects or dependants committing any acts of aggression at sea upon those of any of the parties to this agreement, we will immediately afford full redress upon the same being brought to our notice.

ARTICLE 3.

That in the event of any acts of aggression being committed at sea upon any of our subjects or dependants, we will not proceed immediately to retaliate, but will inform the British Resident or the Commodore at Bassidore, who will forthwith take the necessary steps for obtaining reparation for the injury inflicted, provided that its occurrence can be satisfactorily proved.

ARTICLE 4.

That on the termination of the month of May 1853, by God's blessing, we will endeavour to arrange either an extension of this truce, or a firm and lasting peace; but in the event of our being unable to come to a satisfactory adjustment regarding our respective claims, we hereby bind ourselves to give notice, on or about the above date, to the British Resident, of our intention to renew hostilities after the expiration of the term now fixed upon for this truce, *viz.*, the end of the month of 1853.

Signed as in the preamble.

No. XXVI.

TREATY of PEACE in PERPETUITY agreed upon by the CHIEFS of the ARABIAN COAST in behalf of THEMSELVES, their HEIRS and SUCCESSORS, under the mediation of the RESIDENT in the PERSIAN GULF.

We, whose seals are hereunto affixed, Sheikh Sultan bin Suggur, Chief of Ras-ool-Kheima, Sheikh Saeed bin Tahnoon, Chief of Aboo Dhebbee, Sheikh Saeed bin Butye, Chief of Debay, Sheikh Hamid bin Rashed, Chief of Ejman, Sheikh Abdoolla bin Rashed, Chief of Ummool Keiweyn having experienced for a series of years the benefits and advantages resulting from a maritime truce contracted amongst ourselves under the mediation of the Resident in the Persian Gulf and renewed from time to time up to the present period, and being fully impressed, therefore, with a sense of the evil consequence formerly arising from the prosecution of our feuds at sea, whereby our subjects and dependants were prevented from carrying on the pearl fishery in security, and were exposed to interruption and molestation when passing on their lawful occasions, accordingly, we, as aforesaid, have determined, for ourselves, our heirs and successors, to conclude together a lasting and inviolable peace from this time forth in perpetuity, and do hereby agree to bind ourselves down to observe the following conditions:—

ARTICLE 1.

That from this date, *viz.*, 25th Rujjub 1269, 4th May 1853, and hereafter, there shall be a complete cessation of hostilities at sea between our respective subjects and dependants, and a perfect maritime truce shall endure between ourselves and between our successors, respectively, for evermore.

ARTICLE 2.

That in the event (which God forbid) of any of our subjects or dependants committing an act of aggression at sea upon the lives or property of those of any of the parties to this agreement, we will immediately punish the assailants and proceed to afford full redress upon the same being brought to our notice.

ARTICLE 3.

That in the event of an act of aggression being committed at sea by any of those who are subscribers with us to this engagement upon any of our subjects or dependants, we will not proceed immediately to retaliate, but will inform the British Resident or the Commodore at Bassidore, who will forthwith take the necessary steps for obtaining reparation for the injury inflicted, provided that its occurrence can be satisfactorily proved.

We further agree that the maintenance of the peace now concluded amongst us shall be watched over by the British Government, who will take steps to ensure at all times the due observance of the above Articles, and God of this is the best witness and guarantee.

L. S.	(Sd.)	ABDOOLLA BIN RASHED, *Chief of Ummool Keiweyn.*
L. S.	„	HAMED BIN RASHED, *Chief of Ejman.*
	„	SAEED BIN BUTYE, *Chief of Debay.*
	„	SAEED BIN TAHNOON, *Chief of the Beniyas.*
	„	SULTAN BIN SUGGAR, *Chief of the Joasmees.*

Approved by the Governor General in Council on 24th August 1853.

No. XXVII.

ADDITIONAL ARTICLES for the PROTECTION of the TELEGRAPH LINE and STATIONS, agreed to before LIEUTENANT-COLONEL LEWIS PEILY, ACTING POLITICAL RESIDENT, PERSIAN GULF, and appended to the TREATY of PEACE of the 4th May 1853.

Whereas, under date 25th Rujjub 1269 (4th May 1853,) we, Chief of the Joasmees, Chief of the Beniyas, Chief of Ummool Keiweyn Chief of Ejman, Chief of Debay, did agree to a perpetual Treaty of Peace at sea, and whereby our vessels have been respected and our commerce increased; and whereas the

British Government, in the further interests of commerce and of the general peace, are preparing telegraphic lines and stations at various points in or near the Persian Gulf, we do hereby engage for ourselves, our heirs and successors, to respect and abstain from all and every interference with the said telegraphic operations that may be carried on by the said British Government in or near our territory.

And in the event (which God forbid) of any of our subjects or dependents committing an act of aggression or trespass on the said telegraphic lines and stations or other telegraphic material, we will immediately punish the offender and proceed to afford full redress upon the same being brought to our notice.

The telegraphic line being intended for the common good, our subjects and dependents shall be permitted to send messages by the Telegraph at such rates of payment as may be paid by British subjects.

No. XXVIII.

AGREEMENT of the ABOO DHEBBEE CHIEF engaging not to commit any breach of the Maritime Peace.

I, ZAYID BIN KHALIFEH, do hereby, in the presence of Colonel Pelly, Resident, Persian Gulf, bind myself and agree to the conditions stated below:—

1*st.*—That hereafter I should not commit any disturbances whatsoever in breach of the peace at sea, but if any happen on my part, I should suffer the consequence.

2*nd.*—That I should pay to the Resident the sum of twenty-five thousand dollars by instalments specified below:—

9,000 Dollars to be paid at once in cash on this the 28th Jemadi-ool-awul 1285 16th September 1868.
8,000 Dollars to be paid in the month of Mohurrum 1285, and
8,000 ditto ditto ditto Rujub 1286.

3*rd.*—That I should not prevent the people who have been removed from Guttar to return to their homes if they should so wish.

4*th.*—That I should make over to Abdoor Rahman, British Agent, the Machowa (boat) given me by Ali bin Khalifeh on her return from Busreh.

Written on the 28*th Jemadi-ool-awul* 1285 = 16*th September* 1868.

Signed and sealed by

(Sd.) ZAYID BIN KHALIFEH.

Agreed to in our presence by Zayid bin Khalifeh, Chief of Aboo Dhabbee on the 16th September 1868.

(Sd.) LEWIS PELLY, *Lieut.-Col.*,
H. B. M.'s Poltl. Resdt., Persian Gulf.

(Sd.) R. A BROWN, *Capt.*,
Comdg. H. M.'s Ship "Vigilant."

No. XXIX.

AGREEMENT of the CHIEF of EL-KUTR (*Guttur*) engaging not to commit any BREACH of the MARITIME PEACE.

I, MAHOMED BIN SANEE, of Guttur, do hereby solemnly bind myself, in the presence of the Lord, to carry into effect the undermentioned terms agreed upon between me and Lieutenant-Colonel Pelly, Her Britannic Majesty's Political Resident, Persian Gulf:—

1*st.*—I promise to return to Dawka and reside peaceably in that port.

2*nd.*—I promise that on no pretence whatsoever will I at any time put to sea with hostile intention, and, in the event of disputes or misunderstanding arising, will invariably refer to the Resident.

3*rd.*—I promise on no account to aid Mahomed bin Khalifeh, or in any way connect myself with him.

4*th.*—If Mahomed bin Khalifeh fall into my hands, I promise to hand him over to the Resident.

5*th.*—I promise to maintain towards Shaikh Ali bin Khalifeh, Chief of Bahrein, all the relations which heretofore subsisted between me and the Shaikh of Bahrein, and in the event of a difference of opinion arising as to any question, whether money payment or other matter, the same is to be referred to the Resident.

Dated on the 24*th of Jemadi-ool-awul* 1285, *corresponding with the* 12*th of September* 1868.

Sealed in our presence by Mahomed bin Sanee, of Guttur, on this the 12th day of September 1868.

(Sd.) LEWIS PELLY, *Lieut.-Col.*,
H. B. M.'s Polit. Resdt., Persian Gulf.

(Sd.) R. A. BROWN, *Capt.*,
Comdg. H. M.'s Ship "Vigilant."

No. XXX.

TRANSLATED PURPORT of a letter from SALIM BIN SULTAN, CHIEF of SHARGAH, to HER BRITANNIC MAJESTY'S ACTING POLITICAL RESIDENT in the PERSIAN GULF, dated 25th Zilhuj 1289=26 February 1873.

I was very happy to receive your letter of 15th Jemadi-ul-Sani with two copies of treaties entered into by my father, Sultan bin Suggar.

I beg to inform you that as regards fresh importations of male and female slaves, I have prohibited all my subjects and the vessels in my territories from trading in slaves.

All slaves that came into my territories, I seize according to the terms of the treaty, and make over to the Government Agent.

The Government Agent has, no doubt, informed you that I seized the slaves that were brought to my territories in a British vessel, and made them over to the Agent.

You may rest assured that I shall carry into effect whatever the Government may desire, and am always happy to receive your commands.

No. XXXI.

TRANSLATED PURPORT of a letter from SHEIKH ZAYED BIN KHALEEFA, CHIEF of ABOO DHEBBEE, to ACTING RESIDENT, PERSIAN GULF, dated 5th Mohurrum 1290=5th March 1873.

Be it known to you that I received a letter from Colonel Pelly, Resident in the Persian Gulf, in regard to the treaty about importation of slaves.

This treaty exists intact, and I am always careful to see that it is not infringed.

PART II.

TREATIES AND ENGAGEMENTS

RELATING TO

ARABIA.

MUSCAT.

From Original Papers in the Foreign Office and Selections from the Records of the Bombay Government, No. XXI. of new Series.

Towards the end of the seventeenth century, the Muscat Arabs having driven the Persians from Oman, established their ascendancy in the Persian Gulf, and gained a footing in Zanzibar and several other parts on the African coast. The Persians regained their supremacy for a short time in the reign of Nadir Shah, but during the weakness and distractions in Persia which followed Nadir Shah's death, Ahmed bin Saeed, the Arab Governor of Sohar, a town on the Batinah coast about 100 miles north-west of Muscat, drove the Persians out of Muscat and contemptuously rejected the claims of the Shah to tribute. He was elected Imam. He was succeeded in the government of Muscat by his second son, Syud Sultan, who usurped the rights of his elder brother Syud Saeed. It was in 1798, during the rule of this Chief, that the first Treaty (No. XXXII.) with Muscat was negotiated by Mehdi Ali Khan, the Company's Agent at Bushire, with a view to exclude from Muscat all prejudicial influence of the French with whom Syud Sultan was brought in contact through his trade with the Mauritius. When Sir John Malcolm visited Muscat on his first mission to Persia, he formed another Engagement (No. XXXIII.) with Syud Sultan, stipulating for the strict observance of the previous Treaty and for the residence of an English gentleman in an official capacity at Muscat.

Syud Sultan bin Ahmed was killed on 14th November 1803 in battle with his enemies, the Uttoobees and El Joasim. The rights of his two young sons were disputed by their uncle, Syud Kais of Sohar, who aimed at usurping the government of Muscat. To oppose their uncle's pretensions the two youths put themselves in the hands of their cousin, Syud Badr bin Hilal, who called in the Wahabees, and with their help defeated Syud Kais and recovered Bunder Abbas and Hormuz, which had been seized by the Sheikh of Kishm

The weakness resulting from this disputed succession gave the Wahabees a footing in Muscat, which they have never wholly lost. In 1800 they made their first appearance in Oman. They reduced all the sea-coast of the Persian Gulf from Basrah to Debay, released the Chiefs of Zaheera and Sohar from allegiance to Muscat, and forced Syud Sultan to beg for a three years' truce, which they broke soon after. They would probably have conquered all Oman if they had not been stopped by the assassination of their Chief. (See p. 36).

Syud Saeed, the second son of Syud Sultan, succeeded Badr bin Hilal in 1807. This Chief, to whom the religious title of Imam was not conceded by the Arabs, ruled for fifty years, during which time he cultivated a close intercourse with the British Government. In 1808, smarting under the insults of the Wahabees, whose agents were forcibly converting his subjects in his very capital, he roused the Arab tribes in Oman to a combination against them. If Muscat had fallen under the Wahabees, Syud Saeed would have been drawn into the general system of piracy which the Wahabees encouraged, and would have been converted from a friend into a dangerous enemy. The British Government, therefore, resolved to support him. An armament was accordingly sent towards the close of 1809, which destroyed the piratical boats at Ras-ool-Kheimah, Lingah, and Luft, and bombarded and took Shinas. No arrangements, however, were made permanently to secure the advantage then obtained. Piracy was soon renewed, and another expedition had to be sent against the pirates in 1819, in which also Syud Saeed co-operated. With these exceptions, till the year 1822, when a Treaty (No. XXXIV.) was concluded for the suppression of slavery, there is nothing requiring special notice in the intercourse between the British Government and Syud Saeed, who was chiefly occupied in wars with his rivals, the El Joasim, and in fruitless attempts to possess himself of the island of Bahrein.

The Treaty of 1822 aimed at the suppression of the foreign slave-trade with Christian nations only, and not of the trade with Mahomedan countries and within the Muscat dominions, except in cases of kidnapping; and the permission given under the Treaty to British cruisers to seize slave ships east of the line defined in the Treaty, applied to His Majesty's ships only, and not to vessels of the Indian Navy. In 1839, however, a Treaty of commerce (No. XXXV.) was concluded with Syud Saeed by Her Majesty's plenipotentiary at Muscat, by the fifteenth Article of which he confirmed the Treaty of 1822 for the suppression of slave-trade with Christian countries, and con-

ceded power of search and seizure to vessels of the East India Company; and on 17th December of the same year he agreed with the Resident in the Persian Gulf to add three additional Articles (No. XXXVI.) to the Treaty of 1822, authorizing the right of search and extending the boundary laid down in the Treaty of 1822 from Diu head to Passein, the eastern boundary of the Muscat possessions on the Mekran coast, so as to include the coasts of Kattiawar, Kutch, Kurrachee, and upwards of four degrees westward in the limits within which his subjects were forbidden to engage in the slave-trade. In the fourth Article of the Arabic version of the Treaty of 1822 no mention was made of the obligation of the ruler of Muscat or his authorities to assist in the apprehension of British subjects engaged in the slave-trade, although this obligation was distinctly specified in the English version. He was therefore urged to have the omission rectified by an addition to the Arabic text. He was, however, averse from any alteration being made in the Treaty; but in a separate letter, dated 18th August 1845, he bound himself, his heirs, and authorities to afford assistance, when required by persons authorized to demand it, in the apprehension of British subjects engaged in slave-trade.

In 1845 Syud Saeed entered into a Treaty* (No. XXXVII.) prohibiting, from 1st January 1847, the export of slaves from his African dominions and their importation from any part of Africa into his dominions in Asia, and agreeing to use his influence with the Chiefs of Arabia, the Red Sea, and the Persian Gulf to put a stop to the slave-trade. The Treaty, however, did not prohibit the transport of slaves from one port in his African possessions to another. In consenting to this Treaty he requested that three additional Articles† might be added, prohibiting the search of his vessels in the limits within

* An Act of Parliament, 11 and 12 Vic., Cap. CXXVIII., was passed to give effect to this Treaty. See Appendix No. V.

† ADDITIONAL ARTICLES to the AGREEMENT concluded on the 2nd October 1845, corresponding to the 29th Ramzan 1261 Hegira, according to the wish of HIS HIGHNESS the IMAM of MUSCAT.

ARTICLE 1.

That no vessels belonging to His Highness Syud Saeed bin Sultan, the Imam of Muscat, or belonging to his subjects, be searched by English men-of-war between the boundary of Lamoo to the north and Kilwa to the south mentioned in the Treaty concluded on the 2nd October 1845, corresponding with the 29th Ramzan 1261.

ARTICLE 2.

It may perhaps be reported to them (the British Government) that an individual has stolen slaves from the territories of Syud Saeed, the Sultan of Muscat, which are in Africa; unless this be proved, His Highness Syud Saeed, the Sultan of Muscat, shall not be called to account for it.

ARTICLE 3.

It is known that the vessel belonging to His Highness the Sultan of Muscat and those belonging to his subjects coming from the Arabian and Red Seas do not bring slaves from those parts to the territories of the Sultan of Muscat which are in Africa; accordingly English men-of-war shall not search nor trouble them.

which the transport of slaves was allowed under the Treaty, and of his vessels coming from the Arabian and Red Seas to Africa, and stipulating that, if slaves were stolen from the Zanzibar territories, he should not be held responsible. These Articles appear never to have been formally agreed to; but Syud Saeed was informed, in the name of Her Majesty's Government, that British ships of war would search only such vessels under the Muscat flag as might reasonably be suspected of being engaged in slave-trade; that, therefore, the description of vessels mentioned in the Articles would not be searched unless there should be good ground for suspecting them to be so engaged; but, at all events, that, if they should be searched and found not to be so engaged, that fact would be ascertained in a very short space of time, and they would not be prevented for more than a quarter or half an hour from continuing their voyage.

In consequence of some discussion regarding the right of Syud Saeed to duty on goods transhipped in his ports, he issued Rules (No. XXXVIII.) in 1846 for the levy of full duty of 5 per cent. on goods transhipped, but exempting from duty ships putting into his harbours from stress of weather and all stores of the British Government landed at his ports.

In 1854 Syeed Saeed ceded (No. XXXIX.) to the British Crown the Kooria Mooria islands on the south coast of Arabia. The islands are valuable only for the guano deposits which are found on them. In 1874 a piratical outrage was committed by the El Jaaferah section of the Beni Boo Ali tribe on two trading vessels at Hellaneea in these islands, for which they were fined 600 dollars, and a promise of future good behaviour was exacted from them.

During the later years of his rule the affairs of Syud Saeed in his Asiatic dominions fell into much confusion, owing, in a considerable degree, to his prolonged residence at Zanzibar, which, in 1840, he made the permanent seat of his government, and the incapacity of the Agents whom he left at Muscat, and latterly of his son, Syud Thoweynee. On more than one occasion his power was saved only by the intervention of the British Government. His contests with the Wahabees in 1832 and again in 1845 and 1852 have already been mentioned (See p. 37). In 1833 Syud Saeed concluded a Treaty with the United States of America,* and in 1844 with France.†

Syud Saeed died in 1856. In 1844 he had intimated his desire to appoint his sons Syud Khalid and Syud Thoweynee as his successors in his

* See Appendix No. IX. † See Appendix No. X.

African and Asiatic dominions respectively, and had appointed them his deputies. Syud Thoweynee accordingly succeeded to the government of Muscat on his father's death. In virtue of his succession to the chiefship of Oman, he claimed also feudal supremacy over Zanzibar (See p. 193), and prepared to establish his claim by force of arms. The dispute was submitted to the arbitration of Lord Canning, who decided (No. XL.) that Zanzibar should be independent of Muscat, but should pay an annual subsidy of 40,000 crowns.

In 1862 an Engagement (No. XLI.) was concluded between Great Britain and France by which both powers engaged reciprocally to respect the independence of the rulers of Muscat and Zanzibar.

In 1864 Syud Thoweynee agreed (No. XLII.) to the construction of one or more lines of telegraph through the territory of Muscat and in 1865 a Convention (No. XLIII.) was made with him for the extension of the electric telegraph through his dominions in Arabia and Mekran.

In February 1866 Syud Thoweynee was assassinated at Sohar, where he had gone to organize an expedition against the Wahabees. Grave suspicions of having been concerned in this crime attached to his son and successor Syud Salim, and so much alarm was created at Muscat that trade was paralyzed and the town was deserted by British subjects residing there. Envoys were shortly afterwards sent by Syud Salim to Bombay, but they were informed that while the British Government had no wish to interfere in the domestic affairs of Oman, it was compelled, under the circumstances of the case, to suspend friendly relations with the ruler of Muscat; at the same time the Treaty obligations of the British Government with the State of Muscat, which had for their special object the protection of British subjects residing in Muscat territory, were in no way abrogated, and their fulfilment would be required from every ruler of Muscat.

Subsequently, however, as the people of Muscat had apparently accepted Syud Salim as their legitimate chief, it was intimated to the merchants trading with Muscat that they might resume commercial dealings with that port, a Native Agent was appointed to Muscat, and finally, in September 1866, Syud Salim was recognized by the British Government as ruler of Muscat. The appointment of a British officer as Political Agent was revived in the following year.

In the meantime Syud Toorkee, brother of the late Syud Thoweynee, who had been residing at Bushire on an allowance granted to him by the British Government pending a settlement of Muscat affairs, made an unsuccessful attack on Muscat. For this breach of the maritime peace his allowance was stopped, and he was subsequently warned that similar proceedings, which he was believed to be meditating in concert with the Sheikh of Debay, would expose him and his adherents to be treated as enemies of the British Government.

In June 1867 Syud Toorkee attacked Sohar by land, but was driven off with loss; subsequently however he captured Muttrah, the principal fort commanding the pass leading to Muscat, and, as Syud Salim was unable to expel him, an arrangement was effected through the mediation of the British Resident by which Syud Toorkee was to receive a monthly allowance of 600 dollars from the Sultan on the condition that he should reside in India.

Syud Salim's rule however was not destined to last long. In addition to the suspicion of parricide, from which he could never entirely free himself, his preference for the Ghafiree tribe, who professed Wahabee tenets, excited the discontent of their rivals, the Hinawees, by whom the ruling family of Muscat had been principally supported. Early in 1868 an expedition was undertaken by Syud Salim against his uncle, the Chief of Mesnaah, with whom he had a trifling dispute regarding money. Although a reconciliation was effected before hostilities actually commenced, Syud Salim's conduct on this occasion alienated many whose support would have been valuable, while his resources were materially diminished by the expenses of the expedition.

When therefore Azan bin Kais, Chief of Rostak (See p. 85) and brother-in-law of Syud Salim, rose in rebellion the latter had neither friends nor money with which to resist him. In October 1868 Azan bin Kais obtained possession of the town of Muscat, and, on the flight of Syud Salim, whom the British Government declined to assist by force of arms, was proclaimed chief. For some time Syud Salim endeavoured to rally his friends on the Arab coast and contemplated an attack by sea on the Oman ports; he was warned however against any act which might tend to a breach of the maritime peace, and Government resolved to prohibit, by force of arms if necessary, all naval operations by any party at Muscat or elsewhere. The hope which Syud Salim entertained of assistance from the Wahabees was

frustrated by the assassination at Shargah of Siddeyree, Governor of the Wahabee outpost of Bereymee, and by his own exertions he could excite no enthusiasm for his cause among the Chiefs of the Arab coast.

During the rule of Azan bin Kais the chief power was wielded by Saeed bin Khulfan Al Khulelee, the head of the priestly faction among the Hinawees; his cruelties and exactions and the severity with which he enforced compliance with the precepts of the Koran rendered Azan bin Kais's rule unpopular at Muscat, though his authority was successfully asserted over the refractory tribes in the interior. Early in 1869 the Wahabee Ameer, Abdoollah bin Feysul, made a demand for tribute on Azan bin Kais. To this no attention was paid, and on the invitation of the Naeem tribe of Bedouins, who had suffered from the oppression of Siddeyree, Azan bin Kais attacked Bereymee in June 1869 and captured it. Preparations for its recapture were at once set on foot by the Wahabee Chief, in whose possession it had been for many years previously, and in the first months of 1870 he was reported to be advancing on Bereymee with a considerable force. Difficulties connected with the want of water *en route*, the anticipated hostility of the Aboo-Dhebbee Chief, who was known to be in alliance with Azan bin Kais, and the intrigues of his brother Saood bin Feysul combined to deter the Wahabee Chief from carrying his intentions into effect, and before the close of the year he was a fugitive pursued by his successful brother Saood.

In the meantime the events which had taken place in Oman induced Government to withdraw its prohibition against Syud Toorkee's interference in the affairs of Oman, and in March 1869 he was informed that he might, if he should so wish, proceed to Muscat, but that no help or protection could be afforded him by the British Government in any attempts he might make to establish his power in Oman, and that no operations by sea would be permitted. Syud Toorkee remained at Bombay till March 1870, when he proceeded to Bunder Abbas and thence to the Arab coast. He was at first unsuccessful and was obliged to return to Bunder Abbas. In the following September assisted with funds from Zanzibar he again landed on the Arab coast with a few followers and soon collected a considerable force, a portion of which he placed under the command of Seif bin Suliman. In January 1871 Seif bin Suliman attacked Azan bin Kais at Muttrah; both the leaders fell in the engagement, but an armistice was agreed upon through the intervention of the British Resident, and eventually negotiations between Syud

Toorkee and Saeed bin Khulfan ended in a declaration of peace between the contending parties. Saeed bin Khulfan died a few days afterwards. Syud Toorkee's principal opponent was now Ibrahim bin Kais, brother of Azan bin Kais, who held the fort of Sohar. In July 1871 Syud Toorkee laid siege to Sohar and had effected a practicable breach when an arrangement was concluded by which Ibrahim bin Kais retained possession of Sohar and the portion of coast from Sullan to Khabooreh, a tract of some 30 miles in extent, and all other parts of the coast, including Soweyk and Mesnaah, were made over to Syud Toorkee. Soon afterwards Ibrahim bin Kais plundered a native craft belonging to British traders and imprisoned three of the owners. As Syud Toorkee was unable to procure redress the Resident in the Persian Gulf was directed to demand restitution of the plundered property and compensation for the imprisonment of British subjects and in case of refusal to bombard Sohar. These claims, amounting to 2,255 dollars, were accordingly paid by Ibrahim bin Kais.

Syud Toorkee had been recognized by the British Government as ruler of Muscat in June 1871, but during that and the succeeding year his power was endangered by the intrigues of his brother, Syud Abd-ool-Azeez, and nephew, Syud Salim, in addition to the persistent hostility of Ibrahim bin Kais. A coalition was attempted in April 1872 between Ibrahim bin Kais and Syud Salim, but failed owing to the defeat of the former near Lawa and the desertion of the latter by his followers. Finding themselves unable to subvert Syud Toorkee's authority, his brother and nephew quitted Muscat territory towards the close of 1872 and proceeded to Bombay. In the spring of 1873 they left Bombay and commenced intriguing against Syud Toorkee's authority in Mekran. Offers had been made to them by Syud Toorkee of an allowance of 300 dollars per mensem on condition of their residing in India and abstaining from interference in Muscat affairs. These offers they declined, and in July of that year Syud Abd-ool-Azeez moved on Gwadur. The attack failed owing to the fidelity of Syud Toorkee's Governor, but a considerable amount of property belonging to British subjects was plundered. Syud Abd-ool-Azeez was afterwards captured in an attempt to cross over to Oman and detained in surveillance at Kurrachee. On his undertaking not to interfere in Muscat affairs or leave Kurrachee without permission he was set at liberty and the allowance of 300 dollars per mensem was paid to him through the British Government. Gwadur was again attacked in December 1873, on this occasion by Syud Salim; the attempt however

failed, and Syud Salim escaped into Persian territory. He was then informed that if he surrendered unconditionally, he would be granted the same allowances as Syud Abd-ool-Azeez, otherwise the offer would not be renewed and he would be arrested wherever he might be found. He subsequently made another attempt on Oman; was arrested by H. M. S. *Daphne* and is now confined as a State prisoner in the fort of Hyderabad in Sind.

In June 1873 Syud Toorkee undertook active operations against Ibrahim bin Kais and invested Sohar. Negotiations were entered into which resulted in the surrender of Sohar and other places on the coast to Syud Toorkee, Ibrahim bin Kais receiving a sum of 5,000 dollars and a monthly allowance of 100 dollars on condition of not moving eastward of the fort of Heebee. In spite of this reverse Ibrahim bin Kais continued to intrigue against Syud Toorkee, and in March 1874 collected a force composed principally of the Yal Saad section of the Hinawees with which he attacked Mesnaah and took possession of the fort after having plundered a considerable amount of property belonging to British subjects. As Ibrahim bin Kais refused to evacuate the fort at the demand of the Political Agent, it was bombarded, and an indemnity of 10,000 dollars as compensation to British subjects was exacted from the Yal Saad. In the meantime Syud Toorkee had hardly returned from his successful expedition against Sohar when he was compelled to make terms with Salih bin Ali El-Harithee, Azan bin Kais's former minister, who made a successful attack on Muttrah, and was only induced to withdraw by the payment of a large sum of money.

The annual subsidy which under the terms of Lord Canning's arbitration the ruler of Zanzibar was bound to pay to the ruler of Muscat was duly paid up to the date of Syud Thoweynee's death in 1866, but Syud Majid, the Sultan of Zanzibar, objected to continue the subsidy to Syud Thoweynee's successor, Syud Salim, partly on the ground that the engagement was personal to Syud Thoweynee, and partly on the ground of Syud Salim's alleged parricide. These arguments were not admitted by the British Government which had recognized Syud Salim as ruler of Muscat, but an arrangement was effected by which the subsidy was to be paid through the medium of the Political Agent at Muscat.

On the expulsion of Syud Salim by Azan bin Kais Syud Majid again declined to pay the subsidy, on the ground that a member of another

branch of the family had succeeded to power. This plea ceased to have force when Syud Toorkee had succeeded in establishing his authority, and he appealed to the British Government to procure the due observance of the terms of the arbitration. As the great obstacle to the consolidation of Syud Toorkee's power and the establishment of a peaceful administration in Oman was his want of funds, it was determined to guarantee to him the payment of the subsidy, with arrears from the date of his accession to power, and an assurance was conveyed to him that so long as he continued faithfully to observe his Treaty engagements and manifest his friendship towards the British Government the subsidy of 40,000 crowns would be paid to him annually during his rule.

The greater portion of the money thus received by Syud Toorkee was spent in subsidizing the various tribes in the interior, but the successful raid of Salih bin Ali showed how little reliance could be placed on their allegiance and the real weakness of Syud Toorkee's authority in Oman. As a means of maintaining his position Syud Toorkee sought a reconciliation with his brother, Syud Abd-ool-Azeez. Finally terms were arranged between the brothers, Syud Abd-ool-Azeez was permitted to proceed to Muscat and was associated with Syud Toorkee in the government of the country. The difficulties however with which Syud Toorkee had to contend did not disappear with the arrival of his brother: dissensions were rife between the Ghafirees and the Hinawees; the Metowwah or fanatical party in the south-east of Oman was hostile to him, and finally quarrels took place between the brothers of which advantage was taken by the Bedouins who garrisoned Muscat to impose terms upon Syud Toorkee with which he was forced to comply. Finding himself thus powerless to control events Syud Toorkee, after an ineffectual attempt to conduct affairs unaided, entrusted the government to Syud Abd-ool-Azeez and retired temporarily to Gwadûr. Signs of opposition to the administration of Syud Abd-ool-Azeez soon became apparent; he failed to conciliate the Bedouins and his difficulties were increased by want of funds. Within a few months of his retirement Syud Toorkee found himself in a position to return to Muscat; accordingly in December 1875, in the absence of Syud Abd-ool-Azeez, he took possession of the town and forts and continues to hold them. Negotiations have been opened with the view of inducing Syud Abd-ool-Azeez to quit Oman and reside in India, but he has not as yet accepted the terms offered by his brother.

Bunder Abbas was formerly held by the rulers of Muscat on lease* from Persia, but the lease* was resumed in 1868 and has not since been renewed. (See Persian Gulf p. 33).

Besides their possessions on the Arabian coast the rulers of Muscat have held uninterrupted possession of the port of Gwadur since the close of the last century when, according to native tradition, it was conferred by Nasir Khan, Khan of Khelat, on Syud Sultan who had fled from Muscat after an unsuccessful attempt to subvert the authority of his brother Syud Saeed. When Azan bin Kais succeeded to power in Muscat in 1868 he sent Syud Seif as his Governor to Gwadur but the fanatical opinions of Syud Seif disgusted the inhabitants and he had to give way to Nasir bin Thoweynee who had appeared off Gwadur. After Syud Toorkee's success at Muscat in 1871, his brother Syud Abd-ool-Azeez established himself at Gwadur and subsequently seized the port of Charbar which had also been for many years in the possession of the rulers of Muscat but had recently been occupied by Deen Mahomed, Chief of Dustyaree. The Persians however, who had long asserted a claim of sovereignty over Charbar, attacked and took it in February 1872 and expelled Abd-ool-Azeez, while Syud Toorkee availed himself of this opportunity to make himself master of Gwadur, and has ever since retained possession of it. No interference was exercised by the British Government in the proceedings of the Persian authorities, but in the attack on Charbar property belonging to British subjects was plundered for which compensation was afterwards paid by Persia.

In 4th November 1867 an Order in Council† was issued making provision for the exercise of Consular jurisdiction in Muscat.

In May 1871 Syud Toorkee issued a proclamation prohibiting the import of slaves to Muscat by sea, and in April 1873 Sir Bartle Frere, who had been deputed as Her Majesty's special envoy to effect arrangements for the more effectual suppression of the slave-trade, concluded a formal Treaty (No. XLIV.) with him, by which he engaged for himself, his heirs and successors, to prohibit absolutely the import or export of slaves within his territories, to abolish all public slave markets, and to confer freedom on all slaves entering his territories. With the same object it was considered desirable that subjects of Native States in India residing in Muscat should, like British subjects under the Treaty of 1839 and Order in Council of 1867,

* See Appendix No. III. † See Appendix No. VI.

be amenable to the jurisdiction of the Political Agent and Consul. An Agreement (No. XLV.) to this effect was accordingly signed by Syud Toorkee.

In 1874 Syud Toorkee consented (No. XLVI.) to observe the rules issued by Sultan Saeed in 1846 (See p. 76), and to forego the duty in cases where the cargo might be transhipped to another vessel.

Sohar.—The present ruling family of Muscat are, as has been already noted, descended from Ahmed bin Saeed, the Governor of Sohar, who, in 1730, expelled the Persians and became the first ruler of Muscat. Syud Kais of Sohar, a town on the Batinah coast about 100 miles north-west of Muscat, who had attempted to supplant his nephew Syud Saeed in the government of Muscat, was killed in 1808, and his family were deprived of their patrimony. In 1830, however, his grandson Syud Hamood bin Azan, the cousin of Syud Saeed, taking advantage of the absence of the latter at Zanzibar, regained possession of Sohar and compelled Syud Saeed to restore to him also other districts on payment of tribute. His popularity in Oman was great, and, but for the intervention of the British Government, he would have succeeded in dismembering the Muscat possessions. In 1839 a reconciliation was effected between Syud Saeed and Syud Hamood through the mediation of the Resident in the Persian Gulf, and an Engagement (No. XLVII.) was mediated between them, by which they engaged to abstain from aggressions on each other, and to admit free intercourse and trade between their respective possessions. Syud Saeed also bound himself to support the Chief of Sohar when attacked by his enemies.

By this agreement the Chief of Sohar became independent. As the general engagements for the suppression of the slave-trade in the Persian Gulf were concluded while the relations of Sohar to Muscat were still undefined, a formal agreement had not been concluded with Syud Hamood. But in 1848 he was invited to enter into the general arrangements, and accordingly a Treaty,* (No. XLVIII.) similar to those concluded with the other maritime States for the suppression of the slave-trade, was concluded, on 22nd May 1849, with his son Syud Seif, who was then in possession of the government. Syud Seif, who had usurped his father's authority, was soon afterwards put to death by him.

* An Act of Parliament, 16 and 17 Vic., Cap. XVI. was passed to carry this Treaty into effect. See Appendix No. VII.

The Treaty concluded in 1839 between Muscat and Sohar contained no Article by which the British Government undertook to guarantee its conditions, but the very formal manner in which it was negotiated was considered to make it more than usually binding on both parties. Notwithstanding this, Syud Thoweynee, who governed Muscat during his father's absence at Zanzibar, treacherously seized Syud Hamood at a friendly conference and laid siege to Sohar by land and sea. Failing in his attempts to take the fort, he returned to Muscat, carrying his prisoner with him. Syud Hamood died from the rigour of his confinement on 23rd April 1850. Syud Kais, his brother, took up arms to avenge his death, and, with the help of the El Joasim, took Shinas and several other forts. Syud Saeed, however, returning from Zanzibar, gained over the El Joasim to his side, and defeated Syud Kais, from whom he took Sohar, leaving to him Rostak and Heebee, and assigning him a monthly stipend of 200 crowns.

On the death of Syud Saeed, his son Syud Toorkee, who had been placed in the government of Sohar, made several unsuccessful attempts to make himself independent of his elder brother Syud Thoweynee and to create a rebellion in Oman. Accordingly in 1862 Syud Thoweynee seized him and placed him in confinement. Subsequently he was released at the intervention of the British Government and a monthly allowance was made to him by Syud Thoweynee conditionally on his remaining loyal. In 1865, in consequence of Syud Thoweynee's expressed distrust of his brother, he was informed that Syud Toorkee would be permitted to reside in India during good behaviour on any allowance he might sanction, and that unless Syud Toorkee accepted this offer the British Government would not interfere between him and his suzerain.

When in the following year Syud Thoweynee was murdered, Syud Toorkee's life was in danger at Sohar, and he was taken off by the British Resident. The subsequent history of Sohar has been given in the narrative of Muscat affairs. It is now held by Badr bin Seif on behalf of Syud Toorkee, and its revenue, amounting to about 8,000 dollars per annum, is held at his disposal for expenses.

No. XXXII.

TRANSLATION of the COWLNAMAH, or WRITTEN ENGAGEMENT from the IMAM of MUSCAT.

L. S.

DEED of AGREEMENT from the STATE of the OMANIAN ASYLUM, under the approbation of the IMAM, the DIRECTOR, SYUD SULTAN, whose grandeur be eternal! to the HIGH and POTENT ENGLISH COMPANY, whose greatness be perpetuated! as comprehended in the following Articles:—

ARTICLE 1.

From the intervention of the Nawab Etmandi Adowla Mirza Mehedy Ally Khan Bahadoor Hurhmut Jung never shall there be any deviation from this Cowlnamah.

ARTICLE 2.

From the recital of the said Nawab my heart has become disposed to an increase of the friendship with that State, and from this day forth the friend of that Sircar is the friend of this, and the friend of this Sircar is to be the friend of that; and, in like manner, the enemy of that Sircar is the enemy of this, and the enemy of this is to be the enemy of that.

ARTICLE 3.

Whereas frequent applications have been made, and are still making, by the French and Dutch people for a Factory, *i.e.*, to seat themselves in either at Muscat or Goombroom, or at the other ports of this Sircar, it is therefore written that, whilst warfare shall continue between the English Company and them, never shall, from respect to the Company's friendship, be given to them throughout all my territories a place to fix or seat themselves in, nor shall they get even ground to stand upon within this State.

ARTICLE 4.

As there is a person of the French nation, who has been for these several years in my service, and who hath now gone in command of one of my vessels to the Mauritius, I shall, immediately on his return, dismiss him from my service and expel him.

ARTICLE 5.

In the event of any French vessel coming to water at Muscat, she shall not be allowed to enter the cove into which the English vessels are admitted, but remain without; and in case of hostilities ensuing here between the French and English ships, the force of this State by land and by sea, and my people, shall take part in hostility with the English, but on the high seas I am not to interfere.

ARTICLE 6.

On the occurrence of any shipwreck of a vessel or vessels appertaining to the English; there shall certainly be aid and comfort afforded on the part of this government, nor shall the property be seized on.

ARTICLE 7.

In the port of Abassy (Goombroon) whenever the English shall be disposed to establish a Factory, I have no objection to their fortifying the same and mounting guns thereon, as many as they list, and to forty or fifty English gentlemen residing there, with seven or eight hundred English Sepoys, and for the rest, the rate of duties on goods on buying and selling will be on the same footing as at Bussora and Abushehr.

Dated 1st of Jemmadee-ul-Awul 1213, *Hegira, or 12th of October* 1798.

L. S.

No. XXXIII.

L. S.

AGREEMENT entered into by the IMAM of the STATE of OMAN with CAPTAIN JOHN MALCOLM BAHADOOR, ENVOY from the RIGHT HONOURABLE the GOVERNOR-GENERAL, dated the 21st of Shaban 1213 Hegira, or 18th January 1800.

ARTICLE 1.

The Cowlnamah entered into by the Imam of Oman with Mehedy Ally Khan Bahadoor remains fixed and in full force.

ARTICLE 2.

As improper reports of a tendency to interrupt the existing harmony and create misunderstanding between the States have gone abroad, and have been communicated to the Right Honourable the Governor-General, the Earl of Mornington, K.P.; with a view to prevent such evils in future, we, actuated by sentiments of reciprocal friendship, agree that an English gentleman of respectability, on the part of the Honourable Company, shall always reside at the port of Muscat, and be an Agent through whom all intercourse between the States shall be conducted, in order that the actions of each government may be fairly and justly stated, and that no opportunity may be offered to designing men, who are ever eager to promote dissensions, and

that the friendship of the two States may remain unshook till the end of time, and till the sun and moon have finished their revolving career.

L. S.

Sealed in my presence.

(Sd.) JOHN MALCOLM,

Envoy.

Approved by the Governor General in Council on 26th April 1800.

No. XXXIV.

TRANSLATION.

In the name of the Most High God!

Particulars of the requisitions which were made by Captain Moresby, Commander of the Ship *Meani*, who arrived at the port of Muscat on the 9th of the sacred (month of) Zilhujjah 1237 (27th August 1822) from the Island of Mauritius, on the part of the Governor Sir Robert Farquhar Bahadoor.

ARTICLE 1.

That you (the Imam) instruct all the Officers in your dominions to prevent the subjects from selling slaves to Christians of all nations.

ARTICLE 2.

That you do issue orders to all your Officers, who are on your part throughout your dominions, as well in Zanzibar as in other places, to the effect that if they discover persons on board any Arab vessel buying slaves for the purpose of taking them to Christian countries, they (the Officers) should seize such vessel with all that she may contain, and should send to you the Nakhoda (*i.e*, the Commander) and the crew in order that you may punish them.

In the name of the Most High God!

Answers to the requisitions which were made by Captain Moresby on the part of the Governor Sir Robert Farquhar Bahadoor, may his glory be eternal! which (requisitions) are mentioned on the back of this paper.

ARTICLE 1.

That we did write last season to all our Officers to prohibit the sale of slaves to all the Christian nations, and we will send further instructions to them on the subject.

ARTICLE 2.

That we will send orders to all our Officers who are employed throughout our dominions to the effect that if they find any Arab vessel buying slaves for the purpose of taking them to Christian countries, they must seize the vessel and inflict punishment on persons connected with her, even if they be bound for the Island of Madagascar.

ARTICLE 3.

That it shall be obligatory on the crew of every vessel that shall clandestinely convey slaves to Christian countries to give, on their return to an Arab port, information to the Governor of that port in order that he may punish the Commander, and that if they fail to give the information, all shall suffer punishment.

ARTICLE 3.

That we will instruct our Officers and notify throughout our dominions that the crew of a vessel conveying slaves for sale to Christian countries are required, on their return to an Arab port, to give information to the Governor of the port in order that he may punish the Commander, but that if they conceal (the fact), all shall suffer punishment.

ARTICLE 4.

That your Highness give us a written order on your part to the Governor of Zanzibar and your other Governors in that quarter to the effect that they do allow a person to be stationed on our part in any place in those countries which we shall see fit, and that they do allow us a place for residence in order that we may obtain intelligence of any vessel that may convey slaves to Christian countries.

ARTICLE 4.

That a written order which you wish to have, permitting the stationing of a person on your part in Zanzibar and the neighbouring parts for the purpose of obtaining intelligence of the sale of slaves to Christian nations, has been granted, and will reach through the hands of the respected Captain Moresby. May his dignity endure for ever!

ARTICLE 5.

That you give us a written permission that if we find any vessel laden with slaves for sale, carrying them to Christian countries, after four months from the date of such written permission, we may seize her.

ARTICLE 5.

That a written permission which you wish to have, permitting you, after four months, to seize vessels conveying slaves for sale to Christian countries, will reach through the hands of the said Captain.

ARTICLE 6.

That you do write to all your Governors that on the sailing of every vessel they shall write out a pass for her, stating clearly what port she is leaving and what she is bound to, in order that if our ships should meet a vessel having no pass, but having on board slaves for sale and proceeding in the direction of the Christian countries, they (the British ships) may seize her; such a vessel, if found within the line of the Island of Madagascar and the neigh-

ARTICLE 6.

That we will write to our Governors regarding the granting of a pass to every vessel proceeding on a voyage, specifying therein the port she sails from and the port she is bound to, and you may seize every vessel you may fall in with beyond the Island of Madagascar and in the sea of Mauritius after four months from the date of the written permission alluded to in the fifth requisition; and if any vessel be found

bourhood of Zanzibar and Lamoo, to be carried into Muscat for punishment by you; but if found sailing beyond the Island of Madagascar and in the sea of Mauritius, to be seized by themselves (British vessels), and this (to take place) after four months from the date of the written permission.

on this side, the matter should come to us, provided she do not possess a pass from the Governor of the port of departure.

Here end the answers to the six requisitions, and they have been written by the most humble Abdul Káhir bin Syud Mahomed Ali Majid by order of his master, who commands his obedience, Syud Saeed bin Syud Sultan bin Imam Ahmed bin Saeed Al Boo Saeedee.

Written on the 17th of the sacred (month of) Zilhujjah 1237 one thousand two hundred and thirty-seven of the Hegira, (4th September 1822).

This is signed by the humble Saeed bin Sultan with his own hand.

Saeed bin Sultan bin Ahmed.

TRANSLATION.

In the name of the Most High God!

Particulars of an additional requisition made by CAPTAIN MORESBY for the suppression (of the sale of) slaves carried on board vessels to Christian countries.

It is necessary to define the line beyond which we may seize Arab vessels carrying slaves to Christian countries after four months from the date of the written permission mentioned in the fifth requisition. Let it be understood

In the name of the Most High God

Answer to the additional requisition made by CAPTAIN MORESBY for the suppression (of the sale of) slaves carried to Christian countries.

I permit the Captains of ships belonging to the English government to seize all Arab vessels carrying slaves to Christian countries which may be found beyond a straight line drawn from the Cape

that all vessels on board of which there may be slaves for sale, and which may be found by our ships beyond a straight line drawn from the Cape Delkada and passing six zains (*i. e.*, sixty miles) from Socotra on to Dieu, shall be seized by our ships, but that vessels found beyond the said line driven by stress of weather or by any other unavoidable circumstance shall not be seized.

Delkada and passing sixty miles from Socotra on to Dieu* after the date of the written permission mentioned in the fifth requisition, but not to seize vessels found beyond the line which may have been driven by stress of weather or any other unavoidable circumstance.

Written by Abdul Kahir bin Syud Mahomed bin Syud Majid by order of his master, who commands his obedience, Saeed bin Syud Sultan Imam Ahmed bin Saeed Al Boo Saeedee.

Written on the 22nd Zilhujjah 1237, *9th September* 1822.

TRANSLATION of the annexed letter, dated 18th August 1845, from HIS HIGHNESS the IMAM of MUSCAT to CAPTAIN HAMERTON, relative to the fourth Article of the TREATY concluded on the 10th September 1822 by CAPTAIN MORESBY with HIS HIGHNESS the IMAM of MUSCAT.

After compliments.—Your excellent letter has reached, and your friend understood its contents; you mention that you have received a letter from the mighty government, containing orders to you to bring to our notice that, in the fourth Article of the Treaty we concluded with Captain Moresby in the year 1822, it is mentioned in the English version that it is incumbent on us, and our heirs and Governors, to assist in apprehending English subjects engaged in the slave trade, but that such is not mentioned in the Arabic version of the Treaty, and my friend (you) considering it not necessary to alter the Treaty, nevertheless we consider it incumbent on us, our heirs and Governors, that we should assist to apprehend English subjects who may be engaged in the slave trade. Therefore whoever may be accredited from the government, and require assistance from us, shall receive it accordingly. Whatever you may require let us know, and peace be on you.

Dated 4th Shaban 1241, *18th August* 1845.

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* Here is omitted four months.

No. XXXV.

TREATY of COMMERCE between HER MAJESTY the QUEEN of the UNITED KINGDOM of GREAT BRITAIN and IRELAND and HIS HIGHNESS SULTAN SEID SAEED BIN SULTAN, IMAM of MUSCAT.

Preamble.—Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness the Sultan of Muscat and its dependencies, being desirous to confirm and strengthen the good understanding which now subsists between them, and to promote by means of a convention the commercial intercourse between their respective subjects; and His Highness the Sultan of Muscat being, moreover, desirous to record in a more formal manner the engagements entered into by His Highness on the 10th of September 1822, for the perpetual abolition of the slave trade between the dominions of His Highness and all Christian nations, they have accordingly appointed as the Plenipotentiaries, that is to say, Robert Cogan, Esq., a Captain in the Naval Service of the East India Company, on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., &c., and Hasin bin Ebrehim, and Ali bin Naser on behalf of His Highness the Sultan of Muscat, &c., &c., who having communicated their full powers found to be in due and proper form, have agreed upon and concluded the following Articles:—

ARTICLE 1.

The subjects of His Highness the Sultan of Muscat shall be at liberty to enter, reside in, trade with and pass with their merchandize through all parts of Her Britannic Majesty's dominions in Europe and in Asia, and shall enjoy in those dominions all the privileges and advantages, with respect to commerce or otherwise, which are or may be accorded therein to the subjects or citizens of the most favored nations; and the subjects of Her Britannic Majesty shall, in like manner, have full liberty to enter, reside in, trade with and pass with their merchandize through all parts of the dominions of His Highness the Sultan of Muscat, and shall in those dominions enjoy all the privileges and advantages, with respect to commerce or otherwise, which are or may be accorded therein to the subjects or citizens of the most favored nation.

ARTICLE 2.

British subjects shall be at liberty to purchase, sell, or hire land or houses in the dominions of His Highness the Sultan of Muscat.

The houses, ware-houses, or other premises of British subjects, or of persons actually in the service of British subjects in the dominions of His Highness the Sultan of Muscat, shall not be forcibly entered, nor on any pretext searched without the consent of the occupier, unless with the cognizance of the Consul or British Resident Agent. But such Consul or Resident Agent, on just cause being adduced by the authorities of His Highness the Sultan of Muscat, shall send a competent person, who, in concert with the Officers of His Highness the Sultan of Muscat, shall conduct [redacted] and shall prevent the use of unnecessary violence or of impro[redacted]

ARTICLE 3.

The two high contracting parties acknowledge reciprocally to each other the right of appointing Consuls to reside in each other's dominions wherever the interests of commerce may require the presence of such Officers, and such Consuls shall at all times be placed in the country in which they reside on the footing of the Consuls of the most favored nations. Each of the high contracting parties further agrees to permit his own subjects to be appointed to consular offices by the other contracting party, provided always that the persons so appointed shall not begin to act without the previous approbation of the sovereign whose subjects they may be.

The public functionaries of either government residing in the dominions of the other shall enjoy the same privileges, immunities, and exemptions which are enjoyed within the same dominions by similar public functionaries of other countries.

ARTICLE 4.

Subjects of the dominions of His Highness the Sultan of Muscat, actually in the service of British subjects in those dominions, shall enjoy the same protection which is granted to British subjects themselves, but if such subjects of the dominions of His Highness the Sultan of Muscat shall be convicted of any crime or infraction of the law requiring punishment, they shall be discharged by the British subject in whose service they may be, and shall be delivered over to the authorities of His Highness the Sultan of Muscat.

ARTICLE 5.

The authorities of His Highness the Sultan of Muscat shall not interfere in disputes between British subjects or between British subjects and the subjects or citizens of other Christian nations. When differences arise between a subject of the dominions of His Highness the Sultan of Muscat and a British subject, if the former is the complainant, the cause shall be heard by the British Consul or Resident Agent, who shall administer justice thereupon. But if the British subject is the complainant against any of the subjects of His Highness the Sultan of Muscat, or the subjects of any other Mahomedan power, then the cause shall be decided by the highest authority of His Highness the Sultan of Muscat, or by persons nominated by him, but in such case the cause shall not be proceeded in except in the presence of the British Consul or Resident Agent, or of some person deputed by one or other of them, who shall attend at the Court House, or where such matter shall be tried. In causes between a British subject and a native of the dominions of His Highness the Sultan of Muscat, whether tried before the British Consul or Resident Agent, or before the above-mentioned authority of His Highness the Sultan of Muscat, the evidence of a man proved to have given false testimony on a former occasion shall not be received.

ARTICLE 6.

[redacted]operty of a British subject who may die in the dominions of His [redacted]ultan of Muscat, or of a subject of His Highness the Sultan

of Muscat, who may die in the British dominions, shall be delivered over to their heirs, or executors, or administrators of the deceased, or to the respective Consul or Resident Agent of the contracting parties, in default of such heirs, or executors, or administrators.

ARTICLE 7.

If a British subject shall become bankrupt in the dominions of His Highness the Sultan of Muscat, the British Consul or Resident Agent shall take possession of all the property of such bankrupt, and shall give it up to his creditors to be divided among them. This having been done, the bankrupt shall be entitled to full discharge of his creditors, and he shall not at any time afterwards be required to make up his deficiency, nor shall any property he may afterwards acquire be considered liable for that purpose. But the British Consul or Resident Agent shall use his endeavours to obtain, for the benefit of the creditors, any property of the bankrupt in another country, and to ascertain that every thing possessed by the bankrupt at the time when he became insolvent has been given up without reserve.

ARTICLE 8.

If a subject of His Highness the Sultan of Muscat should resist or evade payment of his just debts to a British subject, the authorities of His Highness shall afford to the British subject every aid and facility in recovering the amount due, and in like manner the British Consul or Resident Agent shall afford every aid and facility to subjects of His Highness the Sultan of Muscat in recovering debts justly due to them from a British subject.

ARTICLE 9.

No duty exceeding 5 per cent. shall be levied at the place of entry in the dominions of His Highness the Sultan of Muscat on any goods, the growth, produce, or manufacture of the dominions of Her Britannic Majesty imported by British vessels, and this duty shall be deemed to be a full payment of all import and export and tonnage duties of license to trade, of pilotage and anchorage, and of any other charge by government whatever upon the vessels or upon the goods so imported or exported. Nor shall any charge be made on that part of the cargo which may remain on board unsold; and no additional or higher duty shall be levied upon these goods when afterwards transported from one place to another in the dominions of His Highness; but the above-mentioned duty having once been paid, the goods may be sold by wholesale or retail without any further duty. No charge whatever shall be made on British vessels which may enter the ports of His Highness for the purpose of refitting or for refreshments, or to enquire about the state of the market.

ARTICLE 10.

No articles whatever shall be prohibited from being imported into or exported from the territories of His Highness the Sultan of Muscat, but the trade between the dominions of Her Britannic Majesty and those of His

Highness the Sultan of Muscat shall be perfectly free, subject to the abovementioned duty upon goods imported, and to no other; and His Highness the Sultan of Muscat hereby engages not to permit the establishment of any monopoly or exclusive privilege of sale within his dominions except in the articles of ivory and gum copal on that part of the east coast of Africa from the port of Tangate situated in about five and a half degrees of south latitude to the port of Quila lying in about seven degrees south of the Equator, both ports inclusive; but in all other ports and places in His Highness's dominions there shall be no monopoly whatever, but the subjects of Her Britannic Majesty shall be at liberty to buy and sell with perfect freedom from whomsoever and to whomsoever they chose, subject to no other duty by government than that before mentioned.

ARTICLE 11.

If any disputes should arise in the dominions of His Highness the Sultan of Muscat as to the value of goods which shall be imported by British Merchants and on which the duty of 5 per cent. is to be levied, the Custom Master, or other authorized Officer acting on the part of government of His Highness the Sultan of Muscat, shall be entitled to demand one-twentieth part of the goods in lieu of the payment of 5 per cent, and the Merchant shall be bound to surrender the twentieth part so demanded whenever, from the nature of the articles, it may be practicable to do so; but the Merchant having done so, shall be subject to no further demand on account of customs on the other nineteen-twentieths of those goods in any part of the dominions of His Highness the Sultan of Muscat to which he may transport them. But if the Custom Master should object to levy the duty in the manner aforesaid by taking one-twentieth part of the goods, or if the goods should not admit of being so divided, then the point in dispute shall be referred to two competent persons, one chosen by the Custom Master and the other by the importer, and a valuation of the goods shall be made, and if the referees shall differ in opinion, they shall appoint an arbitrator, whose decision shall be final, and the duty shall be levied according to the value thus established.

ARTICLE 12.

It shall not be lawful for any British Merchant to expose his goods for sale for the space of three days after the arrival of such goods, unless, before the expiration of such three days the importer and Custom Master shall have agreed as to the value of such goods. If the Custom Master shall not within three days have accepted one of the two modes proposed for ascertaining the value of the goods, the authorities of His Highness the Sultan of Muscat on application being made to them to that effect shall compel the Custom Master to choose one of the two modes by which the amount of the customs to be levied is to be determined.

ARTICLE 13.

If it shall happen that either the Queen of England or His Highness the Sultan of Muscat should be at war with another country, the subjects of

Her Britannic Majesty and the subjects of His Highness the Sultan of Muscat shall nevertheless be allowed to pass such country through the dominions of either power with merchandize of every description except warlike stores, but they shall not be allowed to enter any port or place actually blockaded or besieged.

ARTICLE 14.

Should a vessel under the British flag enter a port in the dominions of His Highness the Sultan of Muscat in distress, the local authorities at such port shall afford all necessary aid to enable the vessel to refit and to prosecute her voyage, and if any such vessel should be wrecked on the coast of the dominions of His Highness the Sultan of Muscat, the authorities of His Highness shall give all the assistance in their power to recover and to deliver over to the owners all the property that can be saved from such vessel. The same assistance and protection shall be afforded to vessels of the dominions of His Highness the Sultan of Muscat, and property saved therefrom under similar circumstances in the ports and on the coast of the British dominions.

ARTICLE 15.

His Highness the Sultan of Muscat hereby renews and confirms the engagements entered into by His Highness with Great Britain on the 10th of September 1822 for the entire suppression of slave trade between his dominions and all Christian countries; and His Highness further engages that the ships and vessels of war belonging to the East India Company shall be allowed to give full force and effect to the stipulations of the said Treaty, agreeably with the conditions prescribed therein, and in the same manner as the ships and vessels of Her Britannic Majesty.

ARTICLE 16.

It is further acknowledged and declared by the high contracting parties that nothing in this Convention is intended in any way to interfere with, or rescind any of the rights or privileges now enjoyed by the subjects of His Highness the Sultan of Muscat in respect to commerce and navigation within the limits of the East India Company's Charter.

ARTICLE 17.

The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Muscat or Zanzibar as soon as possible, and, in any case, within the space of fifteen months from the date hereof.

Done on the Island and at the Town of Zanzibar this thirty-first day of May in the year of Christ eighteen hundred and thirty-nine, corresponding with the seventeenth of the month Rubbee-ul-Awul of the Ul Hegira twelve hundred and fifty-five.

FORM of DECLARATION made on the part of the BRITISH GOVERNMENT previous to exchange of the RATIFICATIONS.

The undersigned Samuel Hennell, Esq., a Captain in the Military Service of the East India Company, and Resident in the Persian Gulf, appointed on

behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland to exchange Her Majesty's ratification of the Treaty of Commerce concluded at Zanzibar, on the 31st May 1839, by Robert Cogan, Esq., a Captain in the Naval Service of the East India Company on the part of Her said Majesty, and by Hassan bin Ebrehim, and Mahabat Ali bin Nasir, on the part of His Highness the Sultan of Muscat, against the ratification of the same Treaty by His Highness the Sultan of Muscat, is commanded by the Queen, in order to avoid any possible misunderstanding as to the meaning of the words contained in the ninth Article of the said Treaty, "any other charge by government whatever," to declare to Syud Mahomed Ibin Syud Shurruf, appointed by His Highness the Sultan of Muscat, to exchange His Highness's ratification, that the aforesaid words are by Her Majesty taken and understood to mean "any other charge whatever made by the government, or by any local authority of the government."

Muscat, this twenty-second day of July 1840.

L. S. (Sd.) S. HENNELL.

FORM of DECLARATION made on the part of the MUSCAT GOVERNMENT previous to exchange of the RATIFICATIONS.

The undersigned Syud Mahomed Ibin Syud Shurruf, appointed by His Highness the Sultan of Muscat to exchange His Highness's ratification of the Treaty of Commerce concluded at Zanzibar, on the 31st May 1839, by Robert Cogan, Esq., a Captain of the Naval Service of the East India Company on the part of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and by Hassan bin Ebrehim, and Mahabat Ali bin Nasir, on the part of His Highness the Sultan of Muscat, against the ratification of the same Treaty by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, having received from Samuel Hennell, Esq., a Captain in the Military Service of the East India Company, and Resident in the Persian Gulf, appointed to act in this matter on behalf of Her said Majesty, a declaration stating that, in order to avoid any possible misunderstanding as to the meaning of the words "any other charge by government whatever," contained in the ninth Article of the said Treaty, the aforesaid words are by Her Majesty taken and understood to mean "any other charge whatever made by the government, or by any local authority of the government," the undersigned Syud Mahomed Ibin Syud Shurruf, being duly authorized by His Highness the Sultan of Muscat, hereby accepts and adopts the said declaration in the name and on the behalf of His Highness the Sultan of Muscat.

Muscat, this twenty-second day of July 1840.

L. S. (Sd.) SYUD MAHOMED IBIN SYUD SHURRUF.

FORM of CERTIFICATE signed on the exchange of the RATIFICATIONS.

The undersigned having met together for the purpose of exchanging the ratifications of a Treaty of Commerce between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Highness the Sultan of Muscat, concluded and signed at Zanzibar on the 31st day of May 1839, and the respective ratifications of the said instrument having been carefully perused, the said exchange took place this day in the usual form.

In witness whereof they have signed the present Certificate of exchange and have affixed thereto their respective Seals.

Done at Muscat, the twenty-second day of July 1840.

L. S. (Sd.) S. HENNELL.

L. S. SYUD MAHOMED IBIN SYUD SHURRUF.

TRANSLATION of the RATIFICATION of HIS HIGHNESS the IMAM of MUSCAT to the TREATY of COMMERCE.

We having duly considered the Treaty above drawn out have approved, accepted, and confirmed the several Articles and Clauses therein set forth, and by this document do hereby approve, accept, and confirm the same for ourselves, our heirs and successors. Accordingly we do by our word promise and engage sincerely and faithfully to perform all and every thing set forth and contained in the aforesaid Treaty, and further that to the utmost of our power we will allow no one to violate and infringe this engagement in any way whatsoever. In witness whereof we have directed our seal to be affixed to this document, which we have signed with our own hand in this our Port of Muscat this 22nd day of Jemmadee-ul-Awul A.H. 1256, according to 22nd July 1840 of the Christian era.

L. S. (Sd.) SYUD SAEED.

No. XXXVI.

TRANSLATION of ADDITIONAL ARTICLES regarding the SUPPRESSION of the FOREIGN SLAVE TRADE entered into by HIS HIGHNESS SAEED SYUD BIN SULTAN, the IMAM of MUSCAT.

I agree that the following Articles be added to the above Treaty concluded by Captain Moresby on the aforesaid date:—

ARTICLE 1.

That the government cruizers, whenever they may meet any vessel belonging to my subjects beyond a direct line drawn from Cape Delgado,

passing two degrees seaward of the Island of Socotra and ending at Pussein, and shall suspect that such vessel is engaged in the slave trade, the said cruizers are permitted to detain and search it.

ARTICLE 2.

Should it on examination be found that any vessel belonging to my subjects is carrying slaves, whether men, women, or children, for sale beyond the aforesaid line, then the government cruizers shall seize and confiscate such vessel and her cargo. But if the said vessel shall pass beyond the aforesaid line owing to stress of weather, or other case of necessity not under control, then she shall not be seized.

ARTICLE 3.

As the selling of males and females, whether grown up or young, who are "Hoor" or free, is contrary to the Mahomedan religion, and whereas the Soomalees are concluded in the Hoor or free, I do hereby agree that the sale of males and females, whether young or old, of the Soomalee tribe, shall be considered as piracy, and that four months from this date, all those of my people convicted of being concerned in such an act shall be punished as pirates.

Dated 10*th Showal* 1255 *A.H., corresponding to the* 17*th December A.D.* 1839.

Seal of SYUD BIN SULTAN.

No. XXXVII.

AGREEMENT between HER MAJESTY the QUEEN of the UNITED KINGDOM of GREAT BRITAIN and IRELAND and HIS HIGHNESS SYUD SAEED BIN SULTAN, "the SULTAN of MUSCAT," for the termination of the export of slaves from the AFRICAN DOMINIONS of HIS HIGHNESS the SULTAN of MUSCAT.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland being earnestly desirous that the export of slaves from the African dominions of His Highness the Sultan of Muscat should cease, and His Highness the Sultan of Muscat, in deference to the wishes of Her Majesty and of the British nation, and in furtherance of the dictates of humanity which have heretofore induced him to enter into engagement with Great Britain to restrict the export of slaves from his dominions, being willing to put an end to that trade, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Highness the Sultan of Muscat having resolved to record with due form and solemnity this further restriction of the export of slaves, and Her Majesty having given due authority to Captain Hamerton, Her Representative at the Court of the Sultan of Muscat, to conclude an agreement with His Highness, accordingly His Highness Saeed

Syud bin Sultan, for himself, his heirs and successors, and Captain Hamerton, on behalf of the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, have agreed upon and concluded the following Articles:—

ARTICLE 1.

His Highness the Sultan of Muscat here engages to prohibit, under the severest penalties, the export of slaves from his African dominions, and to issue orders to his Officers to prevent and suppress such trade.

ARTICLE 2.

His Highness the Sultan of Muscat further engages to prohibit, under the severest penalties, the importation of slaves from any part of Africa into his possessions in Asia, and to use his utmost influence with all the Chiefs of Arabia, the Red Sea, and the Persian Gulf, in like manner, to prevent the introduction of slaves from Africa into their respective territories.

ARTICLE 3.

His Highness the Sultan of Muscat grants to the ships of Her Majesty's Navy, as well as to those of the East India Company, permission to seize and confiscate any vessels, the property of His Highness or of his subjects, carrying on slave trade, excepting only such as are engaged in the transport of slaves from one port to another of his own dominions in Africa between the port of Lamoo to the north and its dependencies, the northern limit of which is the north point of Kuyhoor Island in 1°57′ (one degree and fifty-seven minutes) South Latitude, and the port of Kulwa to the south and its dependencies, the southern limit of which is the Songa Manora or Pagoda Point in 9°2′ (nine degrees and two minutes) South Latitude, including the Islands of Zanzibar, Pemba, and Monfea.

ARTICLE 4.

This agreement to commence and have effect from the (1st) first day of January 1847, (one thousand eight hundred and forty-seven) of the year of Christ, and the 15th day of the month of Mahanecrun 1263, (twelve hundred and sixty-three) of the Hegira.

Done at Zanzibar this 2nd (second) day of October 1845, *(one thousand eight hundred and forty-five) of the year of Christ, and 29th day of Ramzan* 1261 *(twelve hundred and sixty-one) of the Hegira.*

(Sd.) ATKINS HAMERTON,
Captain.

On behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors.

Seal of CAPTAIN HAMERTON.

108378

No. XXXVIII.

RULES established by HIS HIGHNESS the IMAM of MUSCAT, in April 1846, in regard to the duties to be hereafter charged on the cargoes of vessels putting into HIS HIGHNESS's ports.

In a letter dated the 13th April 1846, Captain Atkins Hamerton, Her Majesty's Consul, and Honourable Company's Agent in the dominions of His Highness the Imam of Muscat, reported that His Highness the Imam of Muscat had ordered the following Rules to be henceforth observed in regard to the landing or transhipment of the cargoes of vessels putting into Muscat or into any of His Highness's other ports:—

ARTICLE 1.

That the full duty of five per cent. shall be levied on all articles transhipped from one vessel into another in all the ports and harbours belonging to His Highness the Imam.

ARTICLE 2.

That a vessel of any nation being obliged to put into any of His Highness's ports through stress of weather, or for the purpose of refit, shall not be required to pay duty on any part of her cargo which may be landed and stored during the repair of the vessel provided it be re-embarked in her.

ARTICLE 3.

That no duty shall, under any circumstances whatever, be levied on stores the property of the British Government when landed at any of His Highness' ports.

No. XXXIX.

DEED of CESSION of the KORIA MORIA ISLANDS executed by HIS HIGHNESS the IMAM of MUSCAT in the presence of CAPTAIN FREMANTLE, COMMANDING HER MAJESTY'S SHIP *Juno*, under date the 14th June 1854.

From the humble Saeed bin Sultan, to all and every one who may see this paper, whether Mahomedans or others—

There has arrived to me from the powerful nation (England) Captain Fremantle, belonging to the Royal Navy of the Great Queen, requesting from me the (Jesair i bin Colfaim) Koria Moria Islands, *viz.*, Helaneea, Jibleea, Soda, Haski, and Gurzond; and I hereby cede to the Queen Victoria the above-mentioned Islands, to be her possessions, or her heirs and successors after her. In proof whereof I have hereunto affixed my signature and seal,

on behalf of myself and my son after me, of my own free will and pleasure, without force, intimidation, or pecuniary interest whatsoever.

And be the same known to all to whom these presents may come.

Done at Muscat the 17th day of the month Showal 1270, *14th July* 1854.

Given under my hand,

Seal. (Signed) by the IMAM.)

Done in the presence of me,

(Sd.) STEPHEN G. FREMANTLE,
Captain, H. M.'s Ship "Juno."

Muscat, the 14th July 1854.

No. XL.

LETTER to HIS HIGHNESS SYUD THOWAYNEE BIN SAEED BIN SULTAN, of MUSCAT.

Beloved and esteemed Friend!

I address your Highness on the subject of the unhappy differences which have arisen between yourself and your Highness's brother the ruler of Zanzibar, and for the settlement of which your Highness has engaged to accept the arbitration of the Viceroy and Governor General of India.

Having regard to the friendly relations which have always existed between the Government of Her Majesty the Queen and the Government of Oman and Zanzibar, and desiring to prevent war between kinsmen, I accepted the charge of arbitration between you, and in order to obtain the fullest knowledge of all the points in dispute, I directed the Government of Bombay to send an Officer to Muscat and Zanzibar to make the necessary enquiries. Brigadier Coghlan was selected for this purpose, an Officer in whose judgment, intelligence, and impartiality the Government of India reposes the utmost confidence.

Brigadier Coghlan has submitted a full and clear report of all the questions at issue between your Highness and your brother.

I have given my most careful attention to each of these questions.

The terms of my decision are as follows:—

1*st.*—That His Highness Syud Majid be declared ruler of Zanzibar and the African dominions of His late Highness Syud Saeed.

2*nd.*—That the ruler of Zanzibar pay annually to the ruler of Muscat a subsidy of 40,000 crowns.

3*rd.*—That His Highness Syud Majid pay to His Highness Syud Thowaynee the arrears of subsidy for two years, or 80,000 crowns.

I am satisfied that these terms are just and honourable to both of you; and as you have deliberately and solemnly accepted my arbitration, I shall

expect that you will cheerfully and faithfully abide by them, and that they will be carried out without unnecessary delay.

The annual payment of 40,000 crowns is not to be understood as a recognition of the dependence of Zanzibar upon Muscat, neither is it to be considered as merely personal between your Highness and your brother Syud Majid. It is to extend to your respective successors, and is to be held to be a final and permanent arrangement, compensating the ruler of Muscat for the abandonment of all claims upon Zanzibar and adjusting the inequality between the two inheritances derived from your father His late Highness Syud Saeed, the venerated friend of the British Government, which two inheritances are to be henceforward distinct and separate.

I am your Highness's
Sincere Friend and well-wisher,
(Sd.) CANNING.

FORT WILLIAM,
The 2nd April 1861.

To HIS EXALTED EXCELLENCY LORD CANNING, Governor General of India, &c., &c., &c.

In the name of the Great God!

After Compliments.—At a most propitious and favourable time we were honoured with the receipt of your esteemed letter and were highly gratified with its contents. What your Excellency has stated is most satisfactory to us, more especially as regards your award betwixt us and our brother Majid. We heartily accept the same, and are at a loss how to express our regret for having occasioned you so much trouble, and our appreciation of the kindness which has been manifested towards us in this matter. We thank God for your efforts on our behalf, praying also that your good will may be rewarded and that you may never cease to be our support. We further pray that our sincere affection may always be towards the Great (British) Government and that it may increase continually: moreover, that your exalted affection and noble solicitude may always be exercised towards us, and that we may never be deprived thereof. As regards our brother Majid, we pray God during our life time he may never experience any thing from us but kindness and hearty good will. Furthermore, we rely implicitly on your arbitration between us (being carried out.)

What your exalted Excellency may require in any way from your attached friend, a hint alone will suffice for its accomplishment, and we shall feel honoured in executing it.

We pray finally that you may be preserved to the highest honours and in the most perfect health. We send you the salutation of peace as the best conclusion.

From your truly sincere friend, the servant of God, who confides in him as the Giver of all good.

(Sd.) THOWAYNEE BIN SAEED BIN SULTAN.

4th of Eb-Kaada 1277.

15*th May* 1861.

L. S.

No. XLI.

DECLARATION respecting the INDEPENDENCE of MUSCAT and ZANZIBAR.

Her Majesty's the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French, taking into consideration the importance of maintaining the independence of His Highness the Sultan of Muscat and of His Highness the Sultan of Zanzibar, have thought it right to engage reciprocally to respect the independence of these Sovereigns.

The undersigned, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at the Court of France, and the Minister Secretary of State for Foreign Affairs of His Majesty the Emperor of the French, being furnished with the necessary powers, hereby declare, in consequence that their said Majesties take reciprocally that engagement.

Witness whereof the undersigned have signed the present Declaration, and have affixed thereto the seals of their arms.

DONE AT PARIS,
The 10*th March* 1862.

L. S.

L. S.

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et de l'Irlande et Sa Majesté l'Empereur des Français, prenant en consideration l'importance qui s'attache au maintien de l'independence du Sultan de Muscate, d'une part, et du Sultan de Zanzibar de l'autre, ont jugé convenable de s'engager reciprôquement à respecter l'independence de ces deux Princes.

Les Soussignés, Ambassadeur extraordinaire et plénipotentiaire de Sa Majesté Britannique, pres la Cour de France, et Ministre des Affaires Etrangères de Sa Majesté l'Empereur des Français étant emmis de pouvoir à cet effet, declarent en conséquence par le présent Acte, que leurs dites Majestés prennent réciprôquement l'engagement indiqué çi dessus.

En foi de quoi, les Soussignés ont signé en double la présente Déclaration et y ont opposé le cachet de leurs armes.

FAIT A PARIS,
le 10 *Mars* 1862.

(Sd.) COWLEY.

DE THOUVENAL.

No. XLII.

ARTICLES of AGREEMENT agreed to before LIEUTENANT-COLONEL LEWIS PELLY, HER BRITANNIC MAJESTY'S POLITICAL RESIDENT in the PERSIAN GULF, and LIEUTENANT COLONEL HERBERT DISBROWE, HER BRITANNIC MAJESTY'S POLITICAL AGENT at BIRKA MUSCAT, by HIS HIGHNESS SYED THOWEYNEE BIN SAEED BIN SULTAN, the SULTAN of MUSCAT,—under date this 17th day of November 1864.

ARTICLE 1.

My ancient and faithful ally, the British Government, is at liberty to construct one or more lines of telegraphic communication anywhere within the territories appertaining to the State of Muscat.

ARTICLE 2.

The British Government is further at liberty to construct one or more lines of telegraphic communication in any territories which I may hold in lease from the Shah of Persia.

ARTICLE 3.

I engage, for myself, my heirs, and successors, to respect and abstain from all and every interference with telegraphic operations carried on by the British Government in or near the territories of Muscat.

ARTICLE 4.

And in the event (which God forbid) of any of my subjects or dependants committing an act of aggression or trespass on the said telegraphic lines and stations, or other telegraphic material, I will immediately punish the offender, and proceed to afford full redress upon the same being brought to my notice.

ARTICLE 5.

Nothing in these Articles shall be held as conferring any dominion or sovereign right on the part of the British Government over the territory of Muscat through which the line may pass, neither of any additional dominion or right on my part as Sultan of Muscat over territory which I may hold in lease from the Shah of Persia.

ARTICLE 6.

In like manner, nothing in these Articles shall be held as invalidating or derogating from the title of the British Government to the station of Bassadore, that station having been freely granted to the British Government by my late illustrious father, of blessed memory the late Imaum Syed Saeed bin Sultan, on behalf of himself, his heirs, and successors.

ARTICLE 7.

Nothing in these Articles shall be held as invalidating any Article of any Treaty entered into by myself or forefathers with our ancient and faithful ally, the British Government, from the year 1798 downwards.

Dated Birka, Muscat, 17th November 1864. Signed in our presence by Syed Thoweynee bin Saeed, Sultan of Muscat, this 17th day of November 1864, and sealed in our presence by His Highness's Minister, Hajee Ahmed, at Muscat, this 18th day of November 1864.

Seal.

(Sd.) LEWIS PELLY, *Lieut.-Col.*,
H. B. M.'s Poltl. Resdt., Persian Gulf.

(Sd.) HERBERT DISBROWE, *Lieut.-Col.*,
H. B. M.'s Poltl. Agent, Muscat.

No. XLIII.

CONVENTION between the BRITISH GOVERNMENT and HIS HIGHNESS SYUD THOWAYNEE BIN SAEED BIN SULTAN, the SULTAN of MUSCAT, for the extension of the ELECTRIC TELEGRAPH through the dominions subject to the sovereignty of HIS HIGHNESS in ARABIA and MEKRAN.

ARTICLE 1.

That the British Government shall be at liberty to construct one or more telegraphic lines, and to erect Telegraph Stations, in any portion of territory subject to the sovereignty of His Highness, both in Arabia and Mekran, which shall be most convenient to them.

ARTICLE 2.

That the cost of materials, landing charges, labour, housing, provisions, &c., &c., shall be paid by the British Government, who will make any arrangement they consider most convenient regarding their own supplies, labour, &c., the Sultan of Muscat under taking that no impediment of any sort shall be thrown in their way in collecting them; on the contrary, that every protection and assistance shall be given on his part.

ARTICLE 3.

That His Highness the Sultan of Muscat shall afford protection to the best of his ability to the lines of Telegraph, the Telegraph Stations, and the persons employed in their construction and maintenance.

ARTICLE 4.

Should any disagreements arise in the possessions of the Sultan of Muscat, situate near Arabia, between the Telegraph officials and the subjects of His Highness, the said disagreements shall be referred to the British Political Officer at Muscat, if they cannot be satisfactorily settled on the spot.

ARTICLE 5.

In like manner, should any disagreements arise in the possessions of the Sultan of Muscat, situate in Mekran, between the Telegraph officials and the subjects of His Highness, the said disagreements shall be referred to the Assistant British Political Officer at Gwadur, if they cannot be satisfactorily settled on the spot.

ARTICLE 6.

This Convention, together with any supplementary Articles that may hereafter thereunto be added, is to be considered dependent for completion and effect upon the approval of the British Government.

Done at Muscat this nineteenth day of January in the year of Christ one thousand eight hundred and sixty-five, corresponding with the twentieth day of the month Shabun of the Hegira one thousand two hundred and eighty-one, day of the week Thursday.

(Sd.) HERBERT DISBROWE, *Lieut.-Colonel,*
H. B. M.'s Polit. Agent at Muscat,
on the part of the British Govt.

No. XLIV.

TREATY between HER MAJESTY and the SULTAN of MUSCAT for the ABOLITION of the SLAVE TRADE.

Signed at Muscat, April 14th, 1873.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness the Syud Toorkee-bin-Said, Sultan of Muscat, being desirous to give more complete effect to the engagements entered into by the Sultan and his predecessors for the perpetual abolition of the Slave Trade, they have agreed to conclude a Treaty for this purpose which shall be binding upon themselves, their heirs, and successors; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, having appointed as her Plenipotentiary Sir Henry Bartle Edward Frere, Knight Commander of the Most Honourable Order of the Bath, and Knight Grand Commander of the Most Exalted Order of the Star of India, he, having communicated to the Sultan of Muscat his full powers found in good and due form, and the aforesaid Sultan of Muscat, Syud Toorkee-bin-Said, acting on his own behalf, they have agreed upon and concluded the following Articles:—

ARTICLE I.

The import of slaves from the coasts or islands of Africa or elsewhere into the dominions of Muscat, whether destined for transport from one part of the Sultan of Muscat's dominions to another, or for conveyance to foreign parts, shall entirely cease, and any vessels engaged in the transport or conveyance of slaves after this date shall be liable to seizure and condemnation by all such Naval and other Officers or Agents, and such Courts as may be authorized for that purpose on the part of Her Britannic Majesty; and all persons hereafter entering the Sultan's dominions and dependencies shall be free.

ARTICLE II.

The Sultan engages that all public markets in his dominions for slaves shall be entirely closed.

ARTICLE III.

The Sultan engages to protect, to the utmost of his power, all liberated slaves, and to punish severely any attempt to molest them or reduce them again to slavery.

ARTICLE V.

Her Britannic Majesty engages that natives of Indian States under British protection shall, from and after a date to be hereafter fixed, be prohibited from possessing slaves, and in the meanwhile from acquiring any fresh slaves.

ARTICLE V.

The present Treaty shall be ratified by Her Majesty, and the ratification shall be forwarded to Muscat as soon as possible.*

In witness whereof, Sir Henry Bartle Edward Frere, on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Syud Toorkee-bin-Said, Sultan of Muscat, on his own behalf, have signed the same and have affixed thereto their respective seals.

Done at Muscat this fourteenth day of April, one thousand eight hundred and seventy-three.

(L.S.) (Sd.) H. B. E. FRERE.
" " SYUD TOORKEE-BIN-SAID.

No. XLV.

AGREEMENT entered into by the SULTAN of MUSCAT relative to the jurisdiction of the POLITICAL AGENT and CONSUL over subjects of NATIVE STATES in INDIA residing in the MUSCAT DOMINIONS.

Whereas it is desirable that all subjects of Native States in India residing in Muscat territories should be amenable to the jurisdiction of the Political Agent and Consul at Muscat, and it would appear that such jurisdiction is at present defective without the express consent of His Highness the Sultan: It is hereby formally declared and consented to by His Highness Syud Toorkee bin Saeed on behalf of himself, his heirs and successors, that subjects of Native States of India who may commit offences within the Muscat dominions shall be amenable to the Political Agent and Consul's Court in the same way as British subjects whenever, in any particular case, the Political Agent thinks fit to exercise such jurisdiction, and that the words "British subjects" in all Treaties between the English Government and the Muscat State shall include subjects of Native Indian States.

L. S. (Sd.) TOORKEE BIN SAEED.

* Delivered to the Sultan in September 1873.

No. XLVI.

TRANSLATED purport of a LETTER from HIS HIGHNESS SYUD TOORKEE, SULTAN of MUSCAT, to MAJOR S. B. MILES, HER BRITANNIC MAJESTY'S POLITICAL AGENT and CONSUL, MUSCAT, dated 3rd Mohurrum 1291 = 10th February 1875.

I have received your letter of the 2nd instant, and have understood its contents. I abide by the agreement made by my father with the British Government regarding the Customs duties leviable on goods landed from distressed vessels. For example, if a vessel that puts into Muscat for repairs, lands her cargo in order to undergo such repairs, and re-ships her cargo or puts it into another vessel, I forego all claim to duty for the sake of the unity between us and the British Government, and will raise no question concerning such goods, even though such were liable to duty in the time of our ancestors.

No. XLVII.

TRANSLATION of a TREATY of PEACE between HIS HIGHNESS SYUD SAEED BIN SULTAN, the IMAM of MUSCAT, and SYUD HUMOOD, the CHIEF of SOHAR.

Praise be to Him who has caused peace to be the means of adjusting the affairs of mankind, and who is the promoter of friendship in every class of life.

The object of writing this paper and these words of truth is, that peace has been established between His Highness the Imam of Muscat, Syud Saeed, the son of Syud Sultan, and the Chief of Sohar, the Honourable Syud Humood, the son of Syud Azan, through the mediation of Captain Hennell, the British Resident in the Persian Gulf, this 17th day of Showal A.H. 1255, corresponding with the 23rd December A. D., 1839, upon the following conditions:—

ARTICLE 1.

That from this day there shall be a perfect, lasting, and established peace between the two contracting parties.

ARTICLE 2.

That the subjects of the two contracting parties shall carry on a free intercourse with each other's territory for purposes of trade without hinderance or molestation.

ARTICLE 3.

Whenever subjects of either of the two contracting parties remove voluntarily from the territories of the one and take up their residence in those of the other, no blame shall attach to the ruler of the territory in which they settle, and moreover it shall not be incumbent upon him to cause them to return to their original country unless he thinks proper to do so.

ARTICLE 4.

That neither of the two contracting parties shall commit any sort of aggression upon the territories of the other, neither openly nor secretly, and shall not excite others to do so.

ARTICLE 5.

In the event of either of the two contracting parties proceeding to punish any rebellious person among his own subjects, the other shall not assist or support such rebel either openly or secretly, nor shall encourage him in his rebellion by word or by letter.

ARTICLE 6.

As the district of Roostak, which belongs to Syud Humood bin Azan is surrounded by the territory of His Highness Syud Saeed bin Sultan, the communication and road between the aforesaid district and the other territories of Syud Humood shall not be interrupted or closed.

ARTICLE 7.

In the event of an enemy arising against Syud Humood and making war upon him, His Highness Syud Saeed is to support him in every way to the utmost of his power and ability.

These are the conditions upon which this engagement has been made on both sides and with the consent of both parties, and to this the Almighty is a witness.

Dated Muscat, the 17*th Showal* 1255, *A.H., corresponding with the* 23*rd December A.D.* 1839.

The Seal of SYUD HUMOOD BIN AZAN.

The Seal of SYUD SAEED BIN SULTAN.

No. XLVIII.

TRANSLATION of an ENGAGEMENT entered into by SYUD SYF BIN HUMOOD, CHIEF of SOHAR, for the ABOLITION of the AFRICAN SLAVE TRADE in his PORTS.

It having been intimated to me by Major Hennell, the Resident in the Persian Gulf, that certain conventions have lately been entered into by the Ottoman Porte and other powers with the British Government for the purpose of preventing the exportation of slaves from the coast of Africa and elsewhere, and it having, moreover, been explained to me that, in order to the full attainment of the objects contemplated by the aforesaid Conventions, the concurrence and co-operation of the Chiefs of the several ports situated on the Arabian coast of the Persian Gulf are required, accordingly I, Syud Syf bin Humood, Chief of Sohar, with a view to strengthen the bonds of

friendship existing between me and the British Government, do hereby engage to prohibit the exportation of slaves from the coast of Africa and elsewhere on board of my vessels and those belonging to my subjects or dependants, such prohibition to take effect from the 29th Rujut 1265, or the 21st June A.D. 1849.

And I do further consent, that whenever the cruizers of the British Government fall in with any of my vessels, or those belonging to my subjects or dependants, suspected of being engaged in the slave trade, they may detain and search them, and in case of their finding that any of the vessels aforesaid have violated the engagement by the exportation of slaves from the coasts of Africa, or elsewhere, upon any pretext whatever, they (the Government cruizers) shall seize and confiscate the same.

Dated this 20th day of Jemmadeeood Akhir A.D. 1264, *or 22nd day of May* 1849.

L. S. SYUD SYF BIN HUMOOD.

Approved by the Government of Bombay on 4th August 1849.

MACULLA AND SHEHR.

MACULLA and Shehr are the two principal ports on the southern coast of Arabia. Maculla is 250 miles north-east of Aden, and Shehr is 20 miles distant from it.

The slaves from Zanzibar and the Dankali coast were annually brought there. On 14th May 1863, Brigadier Coghlan, the Political Resident at Aden, concluded an Engagement (No. XLIX.) with Sallah bin Mahomed of the Kasadee subdivision of the Yaffaee tribe, Nukeeb of Maculla, in which he agreed to abolish and prohibit the export and import of slaves. A precisely similar engagement was concluded on the same date with Ali bin Najee, of the Kayatee subdivision of the same tribe, Nukeeb of Shehr.

In 1866 Sultan Ghalib bin Muhsin, Chief of the Kathirees, a Hadhramaut tribe, expelled Ali bin Najee from Shehr and took possession of the fort. At this time the inland town of Shibam was held by the Kayatee tribe, and their Chief Abdoollah being apprehensive that the capture of Maculla would follow that of Shehr, and that his communication with the seaboard would be cut off, applied to his brothers who were in the service of the Hyderabad State for assistance against Sultan Ghalib bin Muhsin. A request was preferred by the minister of the Nizam for the armed interference of the British Government on behalf of the rightful Chief of Shehr. Government however declined to interfere or to allow an armed expedition to be fitted out by Arabs from the Indian coast. In April 1867 Awadh bin Omar, better known by his Hyderabad title of Sultan Nawaz Jung, a brother of the Kayatee Chief Abdoollah, after establishing a blockade on the sea coast, landed near Shehr, attacked Sultan Ghalib bin Muhsin, and on his flight obtained possession of the town. An attempt was made by the Kathiree Chief in December of the same year to retake the place, but he was repulsed by the Kayatees who have since remained in unmolested possession of the port and district. Application was made by the Kathiree Chief to the British Government for permission to recover Shehr by force, but it was considered undesirable to interfere. At the same time the Nizam's minister declared his readiness to prohibit any interference on the part of Hyderabad subjects in the affairs of Hadhramaut.

Sallah bin Mahomed died in 1873 shortly after the conclusion of a Treaty (No. L.) with him, by which he engaged for himself, his heirs and successors, to prohibit the import or export of slaves to or from Maculla and its

dependencies. He was succeeded by his son, Omar bin Sallah, who accepted an offer by the Kayatee Chief of Shehr to aid him in reducing the refractory Sheikh of Doan. Taking advantage of his admission with 600 followers into the fort of Maculla, the Kayatee Chief demanded payment of a debt alleged to have been due to him by the late Nukeeb. It was finally arranged by Treaty* that the Nukeeb should cede one-half of Maculla, of Bunder Broom, and of the district of Hurshiyat in return for a payment of 2½ lakhs of dollars, from which however the debt due to the Kayatee Chief was to be deducted. In prosecution of this feud the Kayatees, with the aid of their relatives at Hyderabad, purchased a vessel and despatched her to Aden: she was detained there under the provisions of the Foreign Enlistment Act of 1870, and not released until the Kayatee Chief had bound himself under a

* AGREEMENT made between the NAKEEB of MACULLA and the KAYATEES.

Praise be to God.

ON Wednesday the 3rd of Rajab 1290 the Honourables Abdulla and Salih and Awadh, sons of Omar-bin-Awadh Al Kayatee, purchased and became the owners of half of the Bunder Maculla with all its fortifications and half of the Bunder Broom from Nakeeb Omer and Nakeeb Mohamed, sons of the late Nakeeb Sallah, for the sum of $2,40,000. Out of this was deducted $1,60,000 which was due by their father (the late Nakeeb) to the Kayatee, the remaining $80,000 was paid to them. The total value amounts to $2,40,000, half of which is 1,20,000. The above-mentioned Nakeeb Omer and Nakeeb Mohamed, sons of the late Nakeeb Sallah, have already sold half of the Bunder of Maculla and half of Broom as has been said above with all their rights internal and external. This sale is quite fixed upon those whose names have been mentioned above, *viz.*, Abdullah and Salih and Awadh-bin Omer. This sale has paid off all the debts that were upon the late Nakeeb Sallah-bin-Mahomed, there is nothing now remaining of this debt. If any claim is advanced it will be null and void. They have settled that Nakeeb Omer is to be Governor of Maculla and to do justice according to the Mahomedan law, and to order for good and prevent evil, and not to oppress the subjects and others. If any quarrel should arise among the seafaring men they are to be sent to those of their own class. In all cases relating to law justice to be done according to the Mahomedan law. All mercantile cases to be sent to the merchants for trial. Khairoolla, the slave of the late Nakeeb Sallah, is to do all work relating to the Bazaar. Nakeeb Omer is to govern according to justice in all small cases, and in cases of importance he should consult with any one of the sons of Omer-bin-Awadh. If all of them are absent then to consult with their Agents. Nakeeb Omer cannot settle anything without their consultation, nor can he write any correspondence with the High Ottoman Government or its officers, neither to the English Government or its officers, also not with any other power without consulting the Kayatee's people or their Agents. He also cannot have interviews with any of the abovementioned governments without their or their Agent's presence. Their opinion and their voice should be one. Nakeeb Omer cannot do anything without their consultation. If he were to do violence to any person, the Kayatees or their Agents should give him advice. If he does not hear their advice they can prevent his acting without right. The Kayatees can put their garrison in half of the Maculla forts and can also put their soldiers in the house called Najdee situated near the northern fort and the eastern fort and also in forts situated out of Maculla, *viz*: Bakaram and Thamaj, and Nakeeb Omer can keep his garrison in forts Nakaa and Dees and all the other remaining forts are to be divided equally. The Kayatees can put their garrison in Bunder Broom on account of their half-right. Nakeeb Omer should give them house. The Kayatees can build houses for themselves and put clerks in the Custom House and the gate to keep accounts of exports and imports. All the revenue arising from the tax or other things is to be divided equally. The Kayatees can reside in the house of Nakeeb Abdulla for one year, until he may build one for himself. These agreements for the sale have been made

heavy penalty to send her at once to Bombay without touching at, or undertaking any operations against, any of the ports of Hadhramaut. This Chief further attempted to establish a blockade of Maculla and boarded native craft suspected of being bound for that port. For the plunder of three

with each other's consent without force and compulsion. The Nakeeb Omer and Nakeeb Mahomed have got possession of the amount of the value and have given permission to those men whose names have been mentioned below to be witnesses of this.

Names of Witnesses.

Omer-bin-Salim Kousair.
Sulman-bin-Awadh-bin Sharaf.
Salim-bin-Abdulla-Salih-al-Kassadee.
Omar Salim-al-Kasadee.
Mohamed-bin-Abdul-Malik.
Abdulla Syud-al-Kasadee.
Saleh-bin-Ahmed.
Abdul Habeeb-bin-Saleh.
Boobaker-bin-Hosain Harhara.
Ali-bin Ardan.
Ahmed-bin-Salih-al-Masawa.
Ahmed-bin-Sallah.
Mohsin-bin-Salih.
Abdul Kader-bin-Ali.
Omer-bin-Abdul Muttalib.
Abdulla-bin-Ahmed Bai Ers.
Abdulla.
Salih-bin-Jaber.
Salim-bin-Abdullah Jahwaree.
Abdul-Kawee-bin-Salim.
Abdul-Habeeb-bin-Abdul-al-Kayatee.
Boobaker-bin-Abdullah.
Abdullah-bin-Saber.
Agent of Hajeebhoy Laljee.
Daloobhoy Doosanee.
Haj Kasim Soomar.

Abdul Habeeb-bin-Mohamed-al-Kasadee.

(Sd.) NAKEEB-OMER-BIN SALLAH.
„ NAKEEB-MOHAMED-BIN-SALLAH.

Praise be to God.

On Wednesday, the 3rd of Rajab 1290, the Honourables Abdullah, Salih and Awadh, sons of Omer bin Awadh-al-Kayatee and Nakeeb Omer and Nakeeb Muhamed, sons of the late Nakeeb Sallah have joined together to assist one another and to obey the Mohamedan law. They swear before God that each will behave honestly towards the other and will order for good and prevent evil. They should have one and the same friends and one and the same enemies. Maculla is between the Kasadee and Kayatee, Shehr and Maculla are one, and Hadhramaut and the sea-coast are one. He who is an enemy to the Kayatees is an enemy of the Kasadees, and he who is an enemy of the Kasadees is an enemy of the Kayatees, the one is not to give refuge to the enemy of the other; but if the Kayatees see that it is good to settle with an enemy, he can do so. If the Kayatees have a claim against any one he is to get it if the things claimed are not burnt or destroyed. Kayatees are to be as fathers and Kassadees to be as sons and attendants. The Kasadees are to obey the directions of the Kayatees. Both parties are one, and each should do good to the other and prevent evil. Nakeeb Omer is not to keep friendship with the Katheerees and the Awlakees but through the Kayatees. The agreement that had been made between the late Nakeeb Sallah and Awadh bin Omer the Kayatee is approved by Nakeeb Omer except about the money mentioned in the agreement which has been paid-off by the sale of the half of Maculla which also is mentioned in the agreement. Both parties agreed without force and compulsion to this before God.

(Sd.) NAKEEB OMER BIN SALLAH.
„ NAKEEB MAHOMED BIN SALLAH.

Witnesses.

Nakeeb Abdul Habeeb-ul-Kasadee and others.

We the undersigned agree to this and we would go against those who would act contrary to the above agreement; but he who would call us shall be liable to the expenses according to custom.

Signed by about thirty Shaikhs of the Upper Yaffaees.

such vessels he was compelled to pay an indemnity of Rupees 6,142, and warned of the consequences of such interference with commerce in the future.

The British Government has avoided interference or arbitration in the dispute between these Chiefs, but with a view to putting an end to the continued supply of money and munitions of war to the contending parties by their relatives at Hyderabad, and the consequent prolongation of the feud, assurances were received from the ministers of the Hyderabad State that persons in the service of the Nizam who might be convicted of taking part in the dispute would be dismissed.

In 1873 a Treaty (No. LI.) was concluded with the Chief of Shehr, by which he bound himself, his heirs and successors, to prohibit the import or export of slaves to or from Shehr and its dependencies.

The Nukeebs of Maculla and Shehr receive salutes of eleven guns each.

No. XLIX.

ENGAGEMENT entered into by the NUKEEB of MACULLA for the ABOLITION of the SLAVE TRADE.

In the NAME of the MOST MERCIFUL GOD, and HIM we implore.

The reason of writing this Bond is that influenced by motives of humanity and by a desire to conform to the principles on which the great English Government is conducted, we lend a willing ear to the proposals of our sincere friend, Brigadier William Marcus Coghlan, Governor of Aden; that we shall covenant with him to abolish and prohibit the export or import of slaves from or to any part of our territory to any other place in Africa, or in Asia, or elsewhere.

Therefore I, whose name and seal are set to this Bond, do in the sight of God and of men solemnly proclaim my determination to prohibit the export or import of slaves by every means in my power. I will neither export nor import any myself, nor will I permit any subjects to do so; and any vessel belonging to my subjects found carrying slaves shall be seized and confiscated by me or by any ship belonging to Her Majesty the Queen of England, and the slaves shall be released. Peace.

This covenant is to have effect at the expiration of one year from this date. Peace.

(Sd.) SILAH MAHOMED.

„ W. M. COGHLAN,

Political Resident, Aden.

At Maculla, 14*th May* 1863.

Witnesses:

(Sd.) OMAR BA SALIM KAISAN.

„ H. RASSAM,

Assistant Political Resident.

Dated 25*th Zhee Alkada* 1279.

A precisely similar engagement was concluded on the same date with Ali bin Nujec, the Nukeeb of Shehr.

Approved and ratified by the Viceroy and Governor General on 29th June 1863.

No. L.

ENGAGEMENT entered into by the NUKEEB of MACULLA for the ABOLITION of the SLAVE TRADE in his DOMINIONS.

Signed at Maculla, 7th April 1873.

Whereas under date 14th May 1863, A.D. (25th Dhil-kaada, 1279 A.H.), a solemn Agreement was entered into by me, Silah bin Mahomed, Nukeeb of Maculla, with Brigadier William Marcus Coghlan, covenanting to abolish and prohibit the export or import of slaves from or to any part of my territory, from or to any other place, whether in Africa or in Asia, or elsewhere. And whereas His Excellency Sir Henry Bartle Edward Frere, G.C.S.I., K.C.B., Her Britannic Majesty's Special Envoy, has now impressed on me the advantages of adhering in perpetuity to the terms of the said Agreement: therefore and accordingly, I, Silah bin Mahomed, Nukeeb of Maculla aforesaid, on behalf of myself, my heirs and successors, do hereby solemnly confirm and engage to be bound by the terms of the aforesaid Agreement of 14th May 1863.

Done at Maculla, this seventh day of the month of April, in the year of our Lord one thousand eight hundred and seventy-three.

(Sd.) H. B. E. FRERE, *Special Envoy.*

„ SILAH MAHOMED.

Witnesses:

(Sd.) LEWIS PELLY, *Colonel,*
Poltl. Resdt. in the Persian Gulf.

(Sd.) C. B. EUAN SMITH, *Major,*
Private Secy. to Sir B. Frere.

No. LI.

ENGAGEMENT executed by the JEMADAR OF SHEHR for the ABOLITION of the IMPORT or EXPORT of SLAVES to and from the port of SHEHR and its DEPENDENCIES.

THIS seventeenth day of November, A.D. 1873, answering to the twenty-sixth day of Ramadhan A.H. 1290, I, Abdoollah bin Omar Al Kayatee, Ruler of Shuhur, engage with the Great English Government to abolish and prohibit the import and export of slaves to or from the port of Shehr and all the dependencies thereof from or to any other place in Africa or Asia or elsewhere; and whereas His Excellency Sir Henry Bartle Edward Frere, G.C.S.I., K.C.B., Her Britannic Majesty's Special Envoy, has impressed upon me the advantage of adhering in perpetuity to the terms of the agreement entered into by Ali bin Najee, Nukeeb of Shuhur, with Brigadier William

Marcus Coghlan, on the 14th day of May, A.D. 1863, answering to the twenty-fifth day of Dhil Kaada, A.H. 1279, thereof, I and my brothers, Awadh and Saleh, on behalf of ourselves, our heirs, successors, do hereby solemnly confirm and engage to be bound by the terms of that Agreement.

(Sd.) ABDOOLLA BIN OMAR AL KAYATEE,
AWUZ BIN OMAR AL KAYATEE.
SULTAN NOOR AHMED BAHADOOR. } (in Arabic.)

(Sd.) W. F. PRIDEAUX, *Asstt. Resident, Aden.*

(Sd.) J. W. SCHNEIDER, *Brigr.-Genl., Poltl. Resident at Aden.*

Seal.

(Sd.) NORTHBROOK.

Ratified by His Excellency the Viceroy and Governor-General of India, at Calcutta, on the eleventh day of February 1874.

(Sd.) C. U. AITCHISON,
Secy. to the Govt. of India, Foreign Dept.

ADEN.

From original papers in the Foreign Office and a Memorandum by Captain W. F. Prideaux, Assistant to the Resident at Aden.

On the expulsion of the Turks in 1630, the greater part of Southern Arabia fell into the hands of the Imams of Senaa. In 1735 the latter were in turn expelled from Aden and other districts by the native Arab tribes who assumed independence.

The following are the principal tribes near Aden with which the British Government has Treaty relations.

Abdalees.—The district inhabited by this tribe is known as Lahej and their Chief as Sultan of Lahej: it extends from the northern shore of Aden harbour in a north-north-westerly direction to Zaida, a village 31 miles from the barrier gate at Aden, thence the boundary bending eastward and southward includes the villages of Majhaffa and Fyoosh and passing between those of Sheikh Othman and Imad meets the sea a mile or two east of Khor Maksar.

The Abdalees are the most civilized but least warlike of all the tribes in south-western Arabia, and but for the protection frequently afforded to them by the British Government would probably have ceased to be a separate community.

The first political intercourse with the Chiefs of Aden took place in 1799, when a naval force was sent from Great Britain with a detachment of troops from India to occupy the island of Perim and prevent all communication of the French in Egypt with the Indian Ocean by way of the Red Sea. The island of Perim was found unsuitable for troops, and the Sultan of Lahej, Ahmed bin Abd-ool-Kureem, received the detachment for some time at Aden. He proposed to enter into an alliance and to grant Aden as a permanent station, but the offer was declined. A Treaty (No. LII.), however, was concluded with the Sultan in 1802 by Admiral Sir Home Popham, who was instructed to enter into political and commercial alliances with the Chiefs on the Arabian coast of the Red Sea.

From that time there was little or no intercourse with Aden till 1837, when attention was drawn to the plunder and maltreatment of the crew of British vessels wrecked on the Aden coast. The most notable case was the

plunder of the *Deria Dowlut*, the crew of which were stripped and most barbarously treated. Captain Haines, who was then employed in the survey of the Arabian coast, was instructed to demand satisfaction. He was at the same time to endeavour to purchase Aden as a coaling depôt for the steamers plying between India and the Red Sea. Sultan Muhsin, who had succeeded his uncle Sultan Ahmed in 1827, at first denied all participation in the plunder, but finding the British Commissioner firm in his demands, he eventually consented to give up part of the property, and pay compensation for the rest. A draft Treaty for the cession of Aden was laid before the Sultan, to which he verbally gave his consent and promised formally to agree after consulting his Chiefs. In this draft the amount of compensation to be paid for Aden was left undetermined, but it was afterwards arranged that an annual payment of 8,700 crowns should be made. On 22nd January 1838 Sultan Muhsin sent a letter under his seal,* engaging, after two months to make over Aden, but stipulating that the Sultan's authority over his people in Aden should be maintained after the cession. To the continuance of the Sultan's jurisdiction the British Agent objected. The Sultan replied that he was willing to abide by the terms first offered, but if these were not accepted, his letter of 22nd January should be returned to him. Negotiations were at this stage when a plot was laid by Ahmed, the Sultan's son, to seize the Agent and rob him of his papers. Delivery of the property stolen from the wreck of the *Deria Dowlut* was also refused; preparations were therefore made to coerce the Sultan. On 19th January 1839 Aden was bombarded and taken, and the Sultan and his family fled to Lahej. On 2nd February peace (No. LIII.) was made in the Sultan's name by his son-in-law, and on 18th June the Sultan himself signed a Bond (No. LIV.) engaging to maintain peace and friendship with the British Government, who agreed to pay him and his heirs 6,500 German crowns a year, and likewise to pay the stipends which the Sultan was bound to give to the Fadhlee, Yaffaee, Howshabee, and Ameer tribes. Peace, however, was soon after broken, by an unsuccessful attempt which Sultan Muhsin made in November 1839 to

* At pages 282 and 283 of a Collection of Treaties published by Mr. Hughes Thomas in 1851 under the authority of the Government of Bombay, an extract from a letter of the Sultan of Lahej, dated 23rd January 1838, is given, which purports to complete and conclude the transaction for the transfer of Aden to the British Government. The facts, however, are, as stated in the text, that in the sequel of the letter the Sultan desired that the negotiations should be broken off if his jurisdiction in Aden were not admitted; and the bargain, owing to the subsequent course of events was never concluded. The title of the British Government to Aden rests exclusively on conquest, and not on purchase.

retake Aden, and the payments were therefore stopped. A second attack made in May 1840 was also unsuccessful, and the repulse of a third attack in July of the same year completely disheartened the Arabs for a time. In 1843 Sultan Muhsin came to Aden and sued for peace. An Engagement (No. LV.) was made on 11th February 1843, which the British Government considered in the light of an agreement to be observed between the Political Agent and the Sultan, but not of a Treaty to be formally ratified. In February 1844 a monthly stipend of 541 crowns was restored to the Sultan with a year's arrears, and before paying it, another Agreement (No. LVI.) was taken from him, binding him faithfully to observe his engagements.

Sultan Muhsin died on 30th November 1847 leaving nine sons: he was succeeded by his eldest son Ahmed, who died on 18th January 1849, when his next brother Ali bin Muhsin succeeded. Shortly after his accession to power a Treaty (No. LVII.) of peace, friendship, and commerce which was under negotiation with his predecessor was concluded with him. Among its other provisions this Treaty stipulated for the restoration of the monthly stipend which had been stopped in consequence of the share taken by Sultan Muhsin in an attack on Aden in August 1846.

Sultan Ali bin Muhsin died on 7th April 1863. His son Fadhl bin Muhsin was elected by the tribes and elders to succeed him in the government, but no sooner had he assumed the management of affairs than intrigues were set on foot by other members of the family with a view to his displacement. Ultimately an arrangement was effected through the mediation of the Resident at Aden, and with the consent of the young Chief, by which he was succeeded in the government of the country by his uncle Fadhl bin Muhsin, fourth son of Sultan Muhsin. For the assistance rendered by Sultan Fadhl bin Muhsin in supplying forage and means of transport for the troops employed against the Fadhlee tribe in 1865, he was presented with 5,000 dollars.

In 1866 the Chief consented (No. LVIII.) to the construction of an aqueduct for the supply of water from the Sheikh Othman wells to Aden, a distance of six miles.

In 1873 in consequence of the repeated applications by the Sultan of Lahej for the protection of the British Government against the Turks, who

had demanded his submission, had occupied a part of Zaida and Shuka, and had sent troops to support his rebellious brother Abdoollah, a force of British and Native infantry with three guns marched to El Hota, the capital of Lahej, to protect the Sultan. After some negotiations the Turkish troops evacuated Lahej and Shuka, the Sultan's two brothers and nephew surrendered unconditionally and were conveyed as State prisoners to Aden while their forts were dismantled. They were subsequently released and retired to Mocha. Sultan Fadhl bin Muhsin died in July 1874, and was succeeded by his nephew Fadhl bin Ali, who had resigned the Chiefship in his favour in 1863. The payment of the usual annual stipend of 6,492 dollars has been continued to the present Chief.

The total population of Lahej may be estimated at 8,000 souls. The revenues of the State, which are estimated at Rupees 45,000 per annum, are derived from a land tax, from transit duties, and from monopolies farmed by the Sultan to the highest bidders.

Fadhlees.—The Sultans of Lahej had been in the habit of paying annually sums of money to the neighbouring tribes through whose territory the trade of the country passed, and these payments were continued by the British Government on condition of the Chiefs remaining in friendly alliance. From the weakness of the character of Sultan Ali Muhsin of Lahej, through whom it was the early policy of the Agent to transact all business with the Arabs of Aden, the neighbouring tribes ventured for some years to perpetrate a series of atrocities upon individual British officers and others, which the Sultan was quite unable to prevent or punish. His efforts, indeed, to procure compliance with the demands of the British Government for satisfaction for these outrages brought on him the hostility of his rivals the Fadhlee tribe, who had sheltered some of the murderers, and who endeavoured to stir up some of the neighbouring tribes to hostility with the British. The Fadhlees, with whom an Engagement (No. LIX.) was concluded after the capture of Aden, are one of the most powerful and warlike tribes near Aden. Their possessions lie to the north-east of that settlement, and extend for a hundred miles along the coast from the eastern limits of the Abdalees to the western boundary of the Owlakees. The stipend of the Fadhlee Chief was stopped till he should expel the criminal who had taken refuge with him. This he did, and on the restoration of his stipend, he voluntarily signed an Agreement (No. LX.) to protect the roads from Aden through his territory. The powerlessness of

the Sultan of Lahej, however, to prevent or punish these crimes led to a change in the policy of dealing with the tribes and to the commencement of intercourse with the Chiefs direct instead of through the Sultan of Lahej.

For some years after this the conduct of the Chief, Ahmed bin Abdoollah, was satisfactory. By his behaviour at the wreck of the *Statelie* in January 1864 he earned the approbation of the British Government, but soon afterwards either from dissatisfaction at the amount of the reward granted to him for his services on this occasion or out of jealousy at the intimacy of British relations with the Sultan of Lahej, he resumed his attitude of persistent hostility. Within gunshot of the fortifications of Aden he plundered a caravan, and assembled a large force with the object of destroying the corps of the Abdalees and defying the authority of the British Government. A small force was accordingly despatched against him in December 1865; he was defeated and compelled to seek safety in flight while the troops entered the Fadhlee country and destroyed several villages. The seaport of Shoogra was at first spared in hopes that the punishment already administered would prove sufficient. But some further outrages having been perpetrated by the Fadhlees, a small force left Aden, destroyed the forts inland, and returned within three days, thus showing the Fadhlees that they could be approached by land or by sea with equal facility. It was determined that either the Chief or his son should enter Aden and tender unconditional submission before friendly relations could be resumed. All other overtures were declined, and in March 1867 a letter was received from the Chief stating his wish to send his elder son to tender the submission of the tribe. A safe conduct was granted, and finally a Treaty (No. LXI.) embodying the prescribed terms was signed by the Chief, the Resident agreeing on the part of the British Government that the past should be forgotten. This Treaty has been authoritatively declared to be the only one now in force. In accordance with Article 4 a relation of the Chief was deputed to reside in Aden as a permanent hostage, but on his death, in 1870, this Article was allowed to remain in abeyance. The stipend of the Fadhlee Chief was shortly afterwards raised from 30 dollars to 100 dollars per mensem. Sultan Ahmed bin Abdoollah died in February 1870 and was succeeded by his eldest son, Haidara, the present Chief, now about thirty-nine years of age.

In 1872 the Chief agreed (No. LXII.) to abolish transit duties on goods conveyed to and from Aden through his territories.

The revenue is about 20,000 Rupees per annum, and is principally derived from the land which is looked upon as the property of the Sultan. The population amounts to about 6,800 fighting men.

Akrabees.—The Akrabee tribe are a sub-division of the Abdalees, who, under Sheikh Mehdi, threw off allegiance to Abd-ool Kureem of Lahej and became independent. Their residence is at Bir Ahmed and the harbour of Jebel Ihsan or Little Aden. An Engagement (No. LXIII.) was concluded with their Chief, Sheikh Haidara Mehdi, after the capture of Aden, which was adhered to until the date of the third attack upon the fortress in July 1840. Thenceforward for many years their attitude was one of hostility. In 1850 they murdered a seaman of the *Auckland*. This necessitated the blockade of the port of Bir Ahmed, which continued for several years, and friendly relations with the tribe were not resumed till 1857, when the Chief of the Akrabee tribe renewed (No. LXIV.) his profession of peace and good will. In 1863 an Agreement (No. LXV.) was made with him, in which, for an immediate payment of 3,000 dollars and a monthly stipend of 30 dollars, he engaged not to sell, mortgage, or give for occupation, save to the British Government, any portion of the peninsula of Little Aden.

These terms were not considered entirely satisfactory by the Home authorities, and the Resident was instructed to treat for the complete and unreserved acquisition of the peninsula. After tedious negotiations, which were further protracted by the necessity of investigating the claims of other tribes to this territory, the purchase was concluded (No. LXVI.) on 2nd April 1869 for a sum of 30,000 dollars, the stipend of the Chief being at the same time raised to 40 dollars per mensem.

The Akrabees inhabit the coast line from Bir Ahmed to Ras Imran: inland their territory extends to an undefined point between Bir Ahmed and Wahat. They can muster about 300 fighting men. The present Chief, Abdoollah ba Haidara Mehdi, is about thirty-seven years of age. His revenue amounts to Rupees 2,000 per annum.

Owlakees.—The tribe is divided into two sections, the Upper and the Lower Owlakee, each under an independent Chief.

They inhabit the tract of country stretching from the Fadhlee boundaries to those of Hadhramaut to the south of the Yaffaees and the eastward of the

Akrabees, including the whole coast line, a distance of about sixty miles, from Howr to the boundaries of the Dthiaibees.

The Chief of the Upper Owlakees is Sultan Awadh bin Abdoollah. The Lower Owlakees, who number about 15,000 souls, are subject to Sultan Boo Bekr bin Abdoollah, whose principal residence is at the seaport of Howr.

In October 1855 the Resident at Aden entered into an Engagement (No. LXVII.) with Sultan Munassar bin Boo Bekr Mehdee of the Lower Owlakee tribe, by which the latter bound himself to prohibit the importation of slaves into the country from Africa. He was murdered by his son, Abdoollah, in July 1863, and was succeeded by his cousin, the present Sultan. The authority of this Chief over his tribe is somewhat limited, and he has not always been able to prevent the plunder of vessels wrecked on his coast. In 1871 he bound himself by an Engagement (No. LXVIII.) to use his best endeavours to prevent such outrages in future, and to protect and if possible convey to Aden any shipwrecked seamen who might stand in need of his assistance.

Subaihees.—The large tribe of the Subaihees occupy the country bordering on the sea from Ras Imran to Bab-el-Mandeb. They own allegiance to no paramount Chief, but are divided into a number of petty clans. They have a high reputation for courage, but it is dimmed by their character for treachery and love of plunder. After the capture of Aden several Engagements (No. LXIX.) were entered into with the petty Chiefs of this tribe. Until 1871 the only Chiefs enjoying stipends from the British Government were the heads of the Dubaince and Rijaee clans, but in that year the Mansooree clan attacked and plundered a caravan coming into Aden. A detachment of the Aden Troop, which had been raised in 1865 for police purposes, was despatched against them, and an action ensued in which one of the Chiefs and most of his party were killed. Eventually the Subaihee Chiefs came into Aden and tendered their submission: they also entered into Engagements (No. LXX.) to preserve the peace of the roads, to restore plundered property, and to abolish transit duties and taxes on the roads passing through their territories. The Engagement (No. LXXI.) with the Makhdoomee section of the tribe was also signed by the Mansooree Chief, as the latter possessed a lien upon a certain portion of the tolls levied on goods passing through the Makhdoomee territory.

A separate Engagement (No. LXXII.) was made with the Atafee subdivision of the tribe, by which they agreed to afford protection to shipwrecked

seamen of any nation, and to protect and send to Aden deserters from the garrison and shipping.

The population of the Subaihees is estimated at 20,000 and the revenue at Rupees 7,000 per annum.

Yaffaees.—This tribe is divided into two sections, the Lower and Upper Yaffaees. Their territory inland is very extensive, but the maritime districts east of Aden which formerly belonged to the tribe and extended to the frontiers of Hadhramaut were wrested from them by the Fadhlees shortly before the capture of Aden. Soon after the capture of Aden an Engagement (No. LXXIII.) was entered into with Sultan Ali bin Ghalib, Chief of the Lower Yaffaees, similar to that concluded with the Abdalee and Fadhlee Chiefs and has been loyally adhered to.

Sultan Ali bin Ghalib died in 1841 at a great age, and was succeeded by his son, Ahmed bin Ali.

Hostilities broke out between the Yaffaees and the Fadhlees in the year 1873, in consequence of the Yaffaee Chief having repudiated an engagement concluded on his behalf by his son and in the presence of the Resident at Aden, whereby he had consented to accept a royalty of 25 dollars per annum from the Fadhlee Sultan for the use of water for irrigation. For this breach of faith the stipend of the Yaffaee Chief was temporarily withheld. Sultan Ahmed bin Ali died in October 1873, and was succeeded by his son, Ali bin Ahmed, now thirty-six years of age.

The Yaffaees are said to number 35,000 fighting men: their supposed gross revenues amount to Rupees 20,000 per annum, and are derived principally from a tax of 10 per cent. on produce. Neither of the Yaffaee Sultans levies transit duties on goods passing through his territories.

Howshabees.—On 14th June 1839 an Engagement (No. LXXIV.) was entered into with Sultan Mana bin Salam of this tribe of the same tenor as the Abdalee, Fadhlee, and Yaffaee bonds. Sultan Mana bin Salam, though more than once invited by the Abdalee and Fadhlee Chiefs to join them in their attacks upon Aden, steadily declined their overtures. He died in June 1858, and was succeeded by his nephew, Obeid bin Yehya, during whose rule friendly relations

were uninterruptedly maintained with the Howshabees. Obeid bin Yehya died in 1863, and was succeeded by his cousin, Ali bin Mana, the present Chief, who is thirty-nine years of age. The relations of Sultan Ali bin Mana with the neighbouring Chiefs have been the reverse of cordial. In 1868 he cut off the supply of water from a rivulet which irrigates the Lahej territory and destroyed the crops on lands belonging to the Sultan of Lahej who accordingly marched against him. An action ensued in which the Howshabee Chief was defeated. In payment of the loss suffered by the Sultan of Lahej, Sultan Ali bin Mana ceded to him the town of Zaida and its lands which had formerly belonged to Lahej, and the dispute was temporarily settled by the friendly intervention of the Resident. In October 1869 the Howshabee Chief's stipend was stopped in consequence of the outrages committed by him on the Aden road; the proximate cause of this misconduct was the tenure of Zaida by the Sultan of Lahej who was therefore induced to make over to his rival a small portion of that district. The Howshabee Chief was not satisfied, and in 1873 commenced intriguing with the Turkish authorities at Taizz in the hope of thereby regaining possession of Zaida. Supported by Turkish troops he held for some little time a part of Zaida, but on their withdrawal from the neighbourhood of Lahej was compelled to retire. The Sultan was induced by the Resident to renew his offers of a portion of Zaida to the Howshabee Chief, but as the latter insisted on receiving the fort of Shuka which commands the rivulet and consequently the supply of water to Lahej, the negotiations came to a close, and the Chiefs were left to settle their dispute themselves.

The Howshabee district is bounded on the south by the Abdalee, on the east by the Yaffaee, on the north by the Alawee, and on the west by the Subaihee country. The tribe numbers about 2,000 fighting men: there is also an independent section of the tribe known as Howashib al Haroor, who live on the confines of the Yaffaee territory and muster about 1,000 fighting men. The revenue amounts to Rupees 1,000 per annum.

Alawees.—The district occupied by the Alawee tribe is situated to the north-west of the Howshabee country. No separate engagement was entered into with this tribe after the capture of Aden, but the Chief's stipend was secured through the intervention of Sultan Mana bin Salam of the Howshabee tribe (No. LXXV.).

In 1873 a body of the Turkish troops marched through the Alawee country and compelled the Chief Sheikh Shayif bin Saif who had refused to tender allegiance to the Turkish authorities at Taizz, to give in his submission, and to surrender his son as a hostage. The latter was eventually released in consequence of the remonstrances of Her Majesty's ambassador at Constantinople.

Sheikh. Shayif bin Saif died in March 1875, and was succeeded by his nephew, Saeed bin Salih, the present Sheikh. The annual stipend of 60 dollars received by the late Chief is continued to his successor.

The Alawees muster about 1,500 fighting men: the revenue which amounts to Rupees. 6,000 per annum is chiefly derived from transit duties.

Ameers.—This tribe occupies the district north-west of the Alawee country on the high road to Senaa. The ancestors of the present Chief are said to have been Muwallads, or half-caste slaves of the Imams of Senaa, and to have established themselves as independent at Zhali about the beginning of the last century.

Under an Engagement (No. LIV.) entered into with the Sultan of Lahej in 1839, 108 German Crowns are annually paid to this Chief.

On the death of the late Chief, Shafil bin Abd-ool Hadi, in 1872, his nephew, Ali bin Mookbil, was recognized by the British Government as his successor. In the following year he was required by the Turkish authorities to make his submission to the Porte, a Turkish Superintendent was appointed to Zhali, a detachment of Turkish troops was quartered there, and the Chief was required to give a hostage for his good behaviour who was to reside at Taizz. He was afterwards summoned by the Turks to Kattaba and imprisoned there but effected his escape. Mahomed bin Mussaad who had been appointed Chief by the Turks in the place of his nephew, Ali bin Mookbil, was killed, and his son, Abdoollah bin Mahomed, was recognized by them as his successor. Ali bin Mookbil has as yet been unable to recover his position, though orders were sent by the Porte to the Turkish Governor-General of Yemen in June 1874 to withdraw the troops which occupied Zhali.

The following is a list of Chiefs in the neighbourhood of Aden who receive stipends from the British Government:—

		Annual stipend in German Crowns.
Sultan Fadhl bin Ali al-Abdalee		6,492
Sultan Haidara bin Ahmed al-Fadhlee		1,200
Sheikh Abdoollah ba Haidara al-Akrabee		480
Sultan Ali bin Mana al-Howshabee		648
Sheikh Saeed bin Salih al-Alawee		360
Ameer Ali bin Mokbil		50
Sultan Ali bin Ahmed al-Yaffaee		250
Sheikh Salim bin Abdoollah ar-Rijaee	Subaihees.	480
Sheikh Abdoollah bin Khadhr al-Mansooree		300
Sheikh Nasir bin Saeed al-Makhdoomee		360

The Abdalee and Fadhlee Chiefs are entitled to salutes of nine guns each.

Since the capture of Senaa by the Turks in 1872, the British Government has on more than one occasion found it necessary to assert and uphold the independence of the stipendiary tribes round Aden against interference on the part of the Ottoman officials.

No. LII.

His Excellency the Most Noble the Marquis Wellesley, Knight of the Most Illustrious Order of St. Patrick, one of His Majesty's Most Honourable Privy Councillors over all the British Possessions in the East Indies, being desirous of entering into a Treaty of Amity and Commerce with Sultan Ahmed bin Abdool Kureem, Sultan of Aden and its dependencies, has named, on his part, Sir Home Popham, Knight of the Most Soverein Order of St. John of Jerusalem, and Ambassador to the States of Arabia; and the said Sultan has named Ahmed Basaib, Prince of Aden, who having both met, and being satisfied with each other's powers, have agreed to the following Articles for the mutual benefit of their respective nations, but subject to the final ratification of His Excellency the Most Noble the Governor General of India:—

Article I.

That there shall be a commercial union between the Honourable the East India Company, or such British subjects as may be authorized by the Governor General of India, and the subjects of Sultan Ahmed Abdool Kureem.

Article 2.

The Sultan agrees to consider the ports of Aden as open for the reception of all goods brought on British ships, which goods or merchandize are to pay a duty of two per cent. and no more, for the space of ten years, on the invoice or manifest of the goods, and no other charges whatever are to be exacted for anchorage, weighing, or custom-house fees, by the Sultan or any of his Officers.

Article 3.

After the aforesaid term of ten years is expired, then the duties are to be raised to three per cent. and never to be made higher by the Sultan, his heirs and successors, on pain of forfeiting the friendship and commercial intercourse of the British nation. The Sultan also binds himself not to make any other charges whatever, of anchorage, weighing, or custom-house fees, under the penalty before mentioned.

Article 4.

The same duties of two per cent. for the first ten years, and three per cent. for ever after, are also to be paid on all goods exported from Aden, which are the produce of the Sultan's territories, or the country surrounding them; and no other charges or demands whatever are to be made on those goods by the Sultan or any of his Officers.

Article 5.

If, however, any goods are purchased by the Honourable the Company, or any British subjects in the town or the port of Aden, the produce of Africa, Abyssinia, or any other country, not in the possession of the Sultan, then no duty is to be paid, as it is to be considered that such goods have paid a duty

on their first being landed, and consequently the Sultan agrees that they shall not pay duty a second time.

ARTICLE 6.

The British subjects who use the ports of Aden shall have the privilege of transacting their own business, and not be obliged to commit it to the arrangement of any other person, nor forced to use any broker or interpreter whatever, unless they shall please to do so; and then such broker or interpreter to be a person of their own choice, and not subject to any control on the part of the Sultan.

ARTICLE 7.

It shall be lawful and free for the subjects of the British nation to make over their property to whomsoever they please, without any control, either in health or in sickness; and if any person, being a British subject, should die suddenly and without a will, then the whole of his property, after paying his just debts to the subjects of the Sultan, is to be vested in trust in the hands of the British Resident, to be transmitted by him to the Supreme Government, or any other Presidency, for the benefit of his family and his lawful heirs.

ARTICLE 8.

That no dispute may hereafter arise about the person claiming the protection of the British flag, whether European or Native, a Register shall be kept of all the British subjects residing at Aden, where every person having a certificate from either of the Presidencies in India shall, by that certificate, be registered in the Office of the Cadi and the British Resident, and if he fails to register himself, he shall not be entitled to the benefits contained in the seventh Article.

ARTICLE 9.

The benefit resulting from the seventh Article is to be considered as extending to any travelling merchants, or supra cargoes, being subjects of the British Government, and the crews of all the ships navigating under the British flag, upon a certificate being produced from the Commander of such ships to which they belonged at the time of making a will, or dying without one.

ARTICLE 10.

The Sultan binds himself, his heirs and successors, to give every assistance in his power to recover the debts due from any of his subjects to the British subjects; and that after three months from the time that any British subject shall send his demand to the Cadi for his assistance and prove a just debt, that then, if it is not paid, the Cadi shall have the power to order the property of the debtor to be seized and sold for the benefit of the creditor, but if the person owing the debt to the British subject has no property, then the Cadi shall confine him in gaol till some arrangement is made which is satisfactory to the British Government.

ARTICLE 11.

If any disputes arise between registered British subjects, they are to be referred to the British Resident, who is to give his award according to the best of his judgment, founded on the laws of his own country. This award to be final in any case not exceeding two thousand dollars; but above that sum it is to be subject to an appeal in the different Presidencies of India. If, however, either party refuses to comply with this award, then the Sultan is to give power to the Cadi to imprison the party, according to the request of the Resident. This Article is introduced for the purpose of establishing the most perfect regularity and harmony between the registered subjects of the British nation and those of the Sultan.

ARTICLE 12.

All disputes between the subjects of the Sultan and those of the British nation are to be settled by the established laws of the country.

ARTICLE 13.

The Sultan agrees, for the consideration of dollars, to give over a piece of ground on the west side of the town, of yards by yards, for the use and purpose of the British nation, on which the Company may erect any house or building, and completely wall it in, if it shall be judged necessary to do so; and the Sultan agrees to prevent any building whatever from being made within twenty yards in front of the said Company's wall, or fifteen yards on either side.

ARTICLE 14.

The British nation not to be subject to any indignities, and to have free permission to enter the town by any gate or direction, and ride, or use, without the least molestation whatever, either horse, mule, ass, or any other beast which they may think proper.

ARTICLE 15.

If any soldier or British subject, not being a Mahomedan, should desert and go to the Cadi or other Officer of Government and offer to embrace the Mussulman religion, then the Cadi is to make a report to the Resident, that he may claim him as a British subject; but if no claim is made after the expiration of three days from the time the report is made by the Cadi, or other Officer, he is to act as he pleases with the person who so deserts from his own country.

ARTICLE 16.

The Sultan to give over a peace of ground as a public burying place for all the British subjects who may die in the territories of the Sultan, and no charge to be made for the interment of any person except such as shall be agreed on for those who assist in the funeral.

ARTICLE 17.

Any other Articles which may be proposed by either of the parties and mutually agreed on may be hereafter entered in this Treaty, and the Ambassador on the part of the British Government is ready to convey any further proposition from the Sultan to the Governor General, or enter into a contract for the purchase of any quantity of coffee, or the delivery of any British goods, on the prices which may be mutually agreed on.

The above-written seventeen Articles of Treaty, having been read and mutually considered by the plenipotentiaries on both sides and the Sultan, the Sultan has put his hand and seal to a true copy in Arabic, and the British Ambassador has set his hand and seal to this English copy, on board of His Majesty's Ship the *Ranney* in Aden Roads this 6th day of September 1802.

(Sd.) HOME POPHAM.

No. LIII.

TREATY of FRIENDSHIP between the ABDALEES and ENGLISH signed by SULTAN MUHSIN's accredited AGENT and son-in-law.

Bismillah Ir-Rehman Ir-Rehim Be Minnet Allah!

From this day and the future, Syud Mahomed Houssain bin Wais bin Hamed Suffrain gives this promise to Commander Haines, gentleman, on his own head in the presence of God, that there shall be friendship, and peace and every thing good between the English and Abdalees. I promise no wrong or insult shall be done, but it shall be peace and the British Government agree to the same. Sultan Muhsin and all interior Sultans agree to this, and I am responsible, all those even on the roads to the interior shall be kept from molesting any one by me, as they were when Sultan Muhsin possessed Aden. This is agreed upon between me and Commander Haines on the part of Government, and I promise to do even more than I have hitherto done, please God. I require respect from Commander Haines in return, and more than before if possible.

(Sd.) SYUD MAHOMED HOUSSAIN BIN WAIS.

17TH ZILKADAH, 2*nd February* 1839. } „ HASSAN KHATEEB. „ S. B. HAINES.

TREATY between SULTAN MUHSIN and his CHILDREN and the ENGLISH through his accredited AGENT.

This Treaty is formed between Syud Mahomed Houssain and Hassan Khateeb on account of the Sultan of Lahej and Commander Haines, the Agent to the Government.

On the word and promise of Sultan Muhsin, I promise that no insult or molestation shall take place on the road, or between the English and my people, and that all shall be peace and quietness; and I agree that between my people and your people there shall be no difference or oppression, and that the English agree that all shall be peace, and that all merchants shall be free to trade without oppression.

The witnesses to this are—

RASHED ABDOOLLAH.
HADJEE MAHOMED HOUSSAIN.
SHAH MINNATEE.
HADJEE JAFFER.

(Sd.) SYUD MAHOMED HOUSSAIN BIN WAIS.
„ HASSAN BIN ABDOOLLAH KHATEEB.
4th February 1839. „ S. B. HAINES.

Approved by the Bombay Government on 23rd February 1839.

No. LIV.

TRANSLATION of a BOND entered into by SULTAN MUHSIN FADHL and his sons SULTAN AHMED BIN MUHSIN FADHL, ALI, ABDOOLLAH, and FADHL, with COMMANDER HAINES, the POLITICAL AGENT at ADEN.

Sultan Muhsin Fadhl and his sons named above agree, with a view to the tranquillity of their territory, the protection of the poor and weak, the security of their tribe, and the safety of the roads, that the Sultan shall be answerable for any outrages committed by his people on the roads, and that they shall not offer any opposition to the British Government; that the interests of both shall be identical. The claim for the stipends due to Fadhlee, Yaffaee, Howshabee, and Ameer tribes shall be upon the British Government. Sultan Muhsin and his children, in perpetuity, and from generation to generation, shall receive from the British Government a stipend of 6,500 dollars annually, to begin from the month of Zilkaud Hegira 1254 (January, February 1839). The land from Khor Maksar to Lahej, as far as it is known to belong to the Abdalee tribe, is under the authority of the Sultan. In case of any attacks upon Lahej or the Abdalee tribe, or upon Aden or the British troops, we (the Sultan) and the British shall make a common cause. Any of our subjects entering Aden must be obedient to the British laws, and any of the British subjects, when in Lahej, must submit to our authority. If I

(the Sultan) or my children proceed to and from Aden, we shall not be liable to any customs.

Dated Tuesday, 6th Rubeeoosanee Hegira 1255, 18*th June* 1839.

Seal of Muhsin Fadhl.

Witnesses:

(Sd.) JAFFER, *Vakeel of Commander Haines.*
„ HASSAN ABDOOLLAH ALI KHATEEB.
„ ABDOOL SUTTA BIN ABDOOLLAH RUBEE.
„ ALI BA ABDOOLLAH.
„ ALI AHMED.

Ratified by the Right Honourable the Governor General of India on the 24th of October 1839.

(Sd.) T. H. MADDOCK,
Offg. Secy. to the Govt: of India,
with the Governor General.

No. LV.

This TREATY is made by SULTAN MUHSIN FADHL, his heirs and successors, the tribes of the AZEIBEE and SELLAMEE, on their visit to ADEN on Saturday, the 27th day of Sharel Hadjel Haram 1258.

Being anxious to make peace with the British Government, Captain Stafford Bettesworth Haines, in the name of the British Government, has given his consent and has made peace with Sultan Muhsin Fadhl and his adherents, and on this Treaty has Sultan Muhsin Fadhl placed his seal, and Captain Stafford Bettesworth Haines, on the part of the British Government, has set his seal. Inasmuch as peace is good and desirable for both parties, the Sultan Muhsin Fadhl of Lahej, in the name of himself, heirs, successors, and the tribes of Sellamee and Azeibee, and Captain Stafford Bettesworth Haines, on the part of Her Most Gracious Majesty Queen Victoria 1st, of Great Britain and Ireland, have made this holy agreement, that between the two governments shall exist a firm and lasting friendship that shall never be broken from the beginning unto the end of all things, and to this agreement God is witness.

ARTICLE 1.

In consideration of the respect due to the British Government, Sultan Muhsin Fadhl agrees to restore the lands and property of all kinds belonging to the late Hassan Abdoollah Khateeb, Agent to the British at Lahej, after such property shall be proven. But the Sultan Muhsin expects in return that certain revenue and territorial books styled Deiras, said to be in the possession of the Khateeb family, should be restored to the government of Lahej, and then their persons shall be safe, should they wish to go inland.

ARTICLE 2.

The Sultan will, on the same consideration, and has, in the presence of witnesses, settled all claims made by Shumaiel, the Jew, and he will also attend to all claims that may be brought against him during his fifteen days' residence in Aden.

ARTICLE 3.

Such transit duties as shall be hereafter specified shall be exacted by the Sultan, who binds himself not to exceed them. The Sultan will also, by every means in his power, facilitate the intercourse of merchants, and he shall in return be empowered to levy a moderate export duty.

ARTICLE 4.

The Sultan engages to permit British subjects to visit Lahej for commercial purposes and to protect them, allowing toleration of religion, with the exception of burning the dead.

ARTICLE 5.

Should any British subject become amenable to the law, he is to be made over to the authorities at Aden, and in like manner are the subjects of the Sultan, to be made over to his jurisdiction.

ARTICLE 6.

The bridge at Khor Maksar is English property, and as such shall be kept in order by them; but should it be proved that it is destroyed by the followers of the Sultan, he shall repair it.

ARTICLE 7.

The Sultan binds himself, as far as he can, to keep the roads clear of plundering parties and to protect all merchandize passing through his territories.

ARTICLE 8.

British subjects may, with the permission of the Sultan, hold in tenure land at Lahej, subject to the laws of the country, and in like manner may the ryots of the Sultan hold property in Aden subject to the British laws.

ARTICLE 9.

Such articles as the Sultan may require for his own family shall pass Aden free of duty, and in like manner all presents and all government property shall pass the territories of the Sultan free from transit duty.

ARTICLE 10.

With regard to the stipend of the Sultan, it entirely rests with Captain Haines and the British Government. The Sultan considers the British his true friends, and likewise the British look upon the Sultan of Lahej as their friends.

This Treaty is concluded on the 11*th day of Shahr Mohurrum Al Haram Ashoor, in the year of the Hejira* 1258, 11*th February* 1843.

Seal.

Seal.

(Sd.) S. B. HAINES, *Captain, I. N., &c.,*
Political Agent, Aden.

No. LVI.

The following further BOND was entered into by the SULTAN of LAHEJ on the 20th February 1844, previous to the renewal by GOVERNMENT of payment of his monthly STIPEND of five hundred and forty-one GERMAN CROWNS, which had been stopped in consequence of his having BROKEN his former ENGAGEMENTS.

ARTICLE 1.

The Right Honourable the Governor General of India having been graciously pleased to grant to me a monthly salary of 541 German crowns, so long as I continue to act honestly and amicably towards the British, in every respect adhering to the terms of my late Bond, dated 11th February 1843, especially sworn and delivered to Stafford Bettesworth Haines, Esq., Captain in the Indian Navy, and Political Agent at Aden.

ARTICLE 2.

I hereby solemnly attest the religious sincerity thereof, and moreover declare that in all things relating to the peace, progress, and prosperity of Aden, I will use every effort to avert calamity, and lend my utmost aid to support the interests of the British flag; and I will conform in all intention and purpose to the Articles specified in my late Bond dated 11th February 1843.

ARTICLE 3.

I further bind myself by oath, that should any breach of faith, or trespass on the aforesaid Bond, either as concerning myself, children, Chiefs, or any other person or persons of my tribe, or those in my pay, or any individual whomsover in any way or by any means connected with my government or under my jurisdiction, or should one or any of the aforesaid persons be in any manner convicted of having been privy to or accessory to such breach of faith, or trespass on the Treaty, or of committing any act of plunder whatever on the roads leading into Aden from the interior, to take the whole responsibility on myself and to be answerable to the British; and if I or other above mentioned, either openly or by secret machination, protect any offender, and do not render entire satisfaction to the British, I freely and solemnly swear to relinquish all claim to the salary granted by the Right Honourable the Governor General of India and declare myself perjured before all men.

ARTICLE 4.

I further swear that, if I do not strictly abide henceforth by the Bond dated 11th February 1843 and the above-mentioned conditions, all claim I may have on the kindness, friendship, and generosity of the British Government is rendered null; and consequently, for any breach of truth or aggression on my part for the future, I render myself open to the severest retribution.

Dated the 20th February 1844.

Seal of the Sultan.

(Sd.) SULTAN MUHSIN FADHL.

„ S. B. HAINES, *Captain I. N., and Political Agent at Aden.*

No. LVII.

To secure COMMERCIAL ADVANTAGES with friendly INTERCOURSE, GOOD WILL, and LASTING PEACE to both powers, this TREATY is made, agreed to, sealed and signed by those possessing full power and authority, viz., SULTAN ALI IBN MUHSIN FADHL, for himself, his heirs and successors, also for the AZEIBEE and SELLAMEE TRIBES, and all other tribes and divisions of tribes under his government, authority, or control, and STAFFORD BETTESWORTH HAINES, ESQ., CAPTAIN in the INDIAN NAVY, and POLITICAL AGENT, ADEN, being invested with full power so to do from the RIGHT HONOURABLE the GOVERNOR-GENERAL of INDIA, but it must be subject to the final ratification of the GOVERNMENT of INDIA.

Inasmuch as peace and commercial intercourse and prosperity is good and desirable among all nations, and particularly advantageous to the powers above

named, the Sultan Ali Muhsin Fadhl of Lahej, in the name of himself, heirs, successors, and all tribes under his government; control, and authority, and Captain Stafford Bettesworth Haines, on the part of the Right Honourable the Governor General of India, make this agreement, that between the two governments shall exist a firm and lasting friendship which shall never be broken, and both parties agree to and ratify, under seal and signature, the following Articles :—

ARTICLE 1.

In consideration of the respect due to the British Government, Sultan Ali Muhsin Fadhl binds himself to secure to the rightful owners all ground, household or other property that may be within the limits of his territory belonging to the British subjects of Aden, and that their persons or agents shall be safe and respected, should they proceed inland to look after and collect the rents of such property, or for any other correct purpose.

ARTICLE 2.

Sultan Ali Muhsin Fadhl engages to permit British subjects and all inhabitants of Aden to visit Lahej or any part of his territory, for either commercial purposes or pleasure excursions; he will ensure them protection, and full toleration of religion, with the exception of burning the dead.

ARTICLE 3.

Should any British subject become amenable to the law, he is to be made over for trial and punishment to the authorities at Aden.

ARTICLE 4.

British subjects may, with the permission of the Sultan of Lahej, hold in tenure land at Lahej or other towns, or villages in his territory, subject to his law, and in like manner may the ryots of the Sultan of Lahej hold property in Aden, subject to British law and jurisdiction.

ARTICLE 5.

The bridge of Khor Maksar, and the plain between it and the Mountains of Aden forming the Isthmus, is British property, and no farther north.

ARTICLE 6.

Sultan Ali Muhsin Fadhl binds himself to keep the roads leading to Aden clear of plundering parties, and to protect all merchandize passing through his territory, punishing, if in his power, all who plunder, molest, or injure others.

ARTICLE 7.

Such articles as the Sultan of Lahej may personally require for his own household shall pass Aden free of all custom duty, and in like manner all government property shall pass the territories of the Sultan free from transit duty.

The Sultan of Lahej binds himself to levy only the following transit duties within his territory upon all goods passing into Aden from the hills, *viz.*, belonging to British subjects:—

Wheat	... ...	2 per cent. upon inland value.
Jowari	... ...	2 „ „ „
Flour	... ...	2 „ „ „
Ghee	... ...	2 „ „ „
Grass and fruits of kinds	...	2 „ „ „
Honey	... ...	2 „ „ „
Fooah	... ...	2 „ „ „
Dholl	... ...	2 „ „ „
Senna	... ...	2 „ „ „
Gums, Frankincense, &c.	...	2 „ „ „
Worruss	... ...	2 „ „ „
Coffee	... ...	2 „ „ „
Khaut	... ...	2 „ „ „
Vegetables Wood Grass and kirby	... ...	Free of duty, being the growth of the Abdalee territory,

and 2 per cent. upon all articles not enumerated.

Articles passing out from Aden into his territory—

Outub cotton...	...	2 per cent.
Snuff	...	2 „
Pepper	...	2 „
White and cotton cloths	...	2 „
Iron lead	...	2 „
Hookahs	...	2 „
Dates	...	2 „

and 2 per cent. on all articles not enumerated above.

ARTICLE 8.

Sultan Ali Muhsin Fadhl binds himself to encourage the growth of all kinds of European and Native vegetables for the Aden market.

ARTICLE 9.

Sultan Ali Muhsin Fadhl most solemnly attests the religious sincerity of this agreement, and moreover declares that in all things relating to the peace, progress, and prosperity of Aden, he will lend his utmost aid to support the interest of the British, and will listen to, and, if possible, attend to the advice of, the British Government representative in Aden in all matters.

ARTICLE 10.

Sultan Ali Muhsin Fadhl further binds himself by oath, that should any breach of faith, or trespass on the aforesaid Bond, either as concerning himself, children, relatives, Chiefs or any other person or persons

of his tribe, or those in authority under him, or in his pay, or by any means connected with this Government, or under his jurisdiction, or should one or any one of the aforesaid persons be in any manner convicted of having been privy to or accessory to such-breach of faith, or trespass on the Treaty, or of committing any act of plunder on the roads leading to Aden through his territory, to take the whole responsibility on himself and to be answerable to the British Government. Further, if he, or any other above mentioned, either openly or by secret machination, protect any offender, and do not render entire satisfaction to the British, and for any breach of the above Articles, he freely and solemnly swears to relinquish all claims to the salary (hereafter mentioned) granted by the Right Honourable the Governor General of India and declares himself a perjured man.

ARTICLE 11.

Stafford Bettesworth Haines, Captain in the Indian Navy, and Political Agent at Aden, being duly authorized, does hereby solemnly promise, in the name of the Right Honourable the Governor General of India, to pay to Sultan Ali Muhsin Fadhl, his heirs and successors, the sum of five hundred and forty-one German crowns per month, so long as he or they continue to act with sincerity, truth, and friendship towards the British, and in every respect strictly adhering to the terms of this Treaty.

This Treaty is concluded and agreed to this seventh day of March, in the year of our Lord one thousand eight hundred and forty-nine.

In witness whereof we have set our seal and signature.

Seal.

(Sd.) S. B. HAINES, *Captain, I. N.,*
Political Agent.

Ratified by the Most Noble the Governor General of India on the 30th October 1849.

(Sd.) H. M. ELLIOT,
Secy. to the Govt. of India,
with the Govr. Genl.

No. LVIII.

TERMS of CONVENTION entered into between SULTAN FADHL BIN MUHSIN ABDOOLLAH, on the one hand, and LIEUTENANT-COLONEL W. L. MEREWETHER, on the part of HER MAJESTY'S INDIAN GOVERNMENT, on the other, this 7th day of March 1867, in regard to an AQUEDUCT to be made between SHEIKH OTHMAN and ADEN, and, if necessary, from a more distant point, for the purpose of supplying the GARRISON and TOWN of ADEN with a sufficiency of FRESH WATER.

ARTICLE 1.

The work of the aqueduct to be entirely carried out by the British Government, and in the first instance everything to make the scheme complete, including camels for the Persian wheels, to be given by the British Government.

ARTICLE 2.

When the aqueduct has been finished and it has been put into complete working order, its future maintenance to rest with the Sultan of Lahej, cost of repairs and renewal of stock being paid for by him out of his share of the profits realized by sale of the water.

ARTICLE 3.

The works at Sheikh Othman or at Dhurub, if the aqueduct is extended to the latter place, as well as the whole line of aqueduct from those places to Aden, to be watched and protected by the Sultan of Lahej.

ARTICLE 4.

The remains of the old aqueduct to be given free for use in the construction of the new work. In return for the use of the water and what he binds himself to perform, the Sultan of Lahej to receive half of the amount* realized by the sale of the water in Aden; account to be rendered and amount to be paid over monthly.

* Sale price, 1 rupee per 100 gallons.

ARTICLE 5.

Repairs, when necessary, to be executed through the Resident, who will then, before payment of monthly profits to the Sultan of Lahej, deduct the whole, or a portion, of the cost thereof, as he deems right.

ARTICLE 6.

A good road, 45 feet broad, clear and level, to be made by the Sultan of Lahej out of the profits from the Khor Maksar to Sheikh Othman and on to Dhurub if the aqueduct be extended there. The road may be made under the direction of the Resident, who will recover the cost in the same manner as for repairs.

ARTICLE 7.

The British Government to make a similar road from the Khor Maksar into Aden.

ARTICLE 8.

The above to be binding on Sultan Fadhl bin Muhsin bin Abdoollah Sultan of Lahej, and his successors.

(Sd.) FADHL BIN MUHSIN,
Sultan of Lahej.

„ W. L. MEREWETHER, *Lieut.-Col.*,
Resident, Aden.

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No. LIX.

TRANSLATION of a BOND given by SULTAN AHMED BIN ABDOOLLAH FADHLEE.

Sultan Ahmed bin Abdoollah Fadhlee, his brothers Saleh, Nasir, and Fadhl, and his cousins, do hereby agree, that they enter into an agreement with their tribe, and those dependent upon them and those upon the latter, as before arranged with Commander Haines, who agrees to pay to these people the stipend which they used to receive from Sultan Mûhsin Fadhl Abdalee. The agreement which has passed between them (the Sultan and Commander Haines) is, that whatever belongs to the Sultans of Abdalee, former and succeeding, and to those of Fadhlee, former and succeeding, shall be theirs; that the Abdalee shall be responsible, as stipulated, for all injuries or outrages perpetrated in Lahej, its vicinity, or within its limits, or in Aden, its roads, or its limits; and the above Sultan Ahmed, for all acts of excess on the part of any of the Fadhlee, their clans, or those dependent upon them. In case Sultan Ahmed afford any assistance to any other Sultan or tribe, this agreement shall be null and void. Our (Sultan Ahmed's) hand and Sultan Muhsin's hand is one and the same. Our friends and his friends are identical. If any of the above tribe commit any plunder or depredation on the roads or in Lahej, the Bond that we possess shall be null, until we shall recover and restore the plundered property. Should any assault or murder be committed in Lahej or Aden, or on their roads, and should the act be brought home to any of the Fadhlee or their tribe, he shall be seized and is to be considered an offender. This Bond is always binding, and shall never become a dead letter. We shall draw the settled stipend every six months, and whenever there shall be any pressure of necessity, Government shall pay us a part (intermediately). The payment is to commence from the month of Zilkad Hegira 1254 (January, February 1839). Whatever is affixed for the above people shall be received by them through us or Sultan Muhsin or his children. These are the stipulations agreed to by Sultan Ahmed Fadhlee, and which are mediated by Salim bin Sheikh and Syud bin Sulah, who are the Vakeels of Sultan Ahmed. This agreement is consented to on Monday, the 26th day of Rubbee-ool-Akhir Hegira 1255 (8th July 1839). The half-yearly allowance which we shall receive from government is 182½ Cooroosh, half of which is 91⅛. The provisions which the above people are accustomed to receive must be given to them at Lahej through the Sultan or his children.

(Sd.) SULTAN AHMED BIN ABDOOLLAH BIN AHMED, FADHLEE.

Witnesses:

MOOLLA JAFFER, *Vakeel of Commander Haines.*

ALI BIN ABDOOLLAH BIN AHMED.

SALIM BIN NASIR, *Arab.*

KAZEE ABDOOL RAZZAK BIN ALI.

No. LX.

TRANSLATION of a BOND entered into by the SULTAN of LAHEJ for the SECURITY of the ROADS leading to ADEN.

Seal of Ahmed bin Abdoollah, the Fadhlee.

An honourable Bond and a great writing!

I, whose name and seal are set herein, have covenanted to the beloved Alowi bin Zain Al Aidroos upon peace and friendship between us and the Governor, William Coghlan Sahib, the ruler of Aden, and also upon the safety of the road and security of the poor from Lahej to Aden. I am responsible for every sedition that may take place on the road on the part of all the Fadhlee tribes, either inhabitants of the hills or coast. I am answerable for it for all what goes to them on the roads of Ibian and Aden. Whatever plunder may take place upon our subjects on the coast, I will call upon Syud Alowi, and the Governor of Aden has the interposition.

If God should decree a quarrel between the Fadhlee and the Abdalees, each would know his own friend, and the English should not interfere amongst Arabs. Each would go on according to his rule and covenant; and if any one should try to make mischief betwixt us (Fadhlee and English), the saying of such enemies must not be listened to.

The Governor of Aden should abolish the invention which they have established at the gate of Aden upon the poor of our subjects and others; for the sake of the good condition of the needy, we and the English are friends, upon sincerity and good will between them and us, and protection for our said friends (subjects).

I have covenanted to the beloved Alowi and he will covenant on my behalf to the Governor, William Coghlan.

In the presence of

SALEH BIN ABDOOLLAH.

NASIR BIN ABDOOLLAH.

FADHL BIN ABDOOLLAH.

ALI BIN AHMED AZZABBEE.

No. LXI.

TRANSLATION of ARTICLES of AGREEMENT entered into by SULTAN AHMED BIN ABDOOLLAH.

ARTICLE I.

That Sultan Ahmed bin Abdoollah, on behalf of himself, his successors, and his tribe, solemnly binds himself to abstain in future from all acts of plunder and disorderly violence.

ARTICLE II.

To maintain peace with the neighbouring tribes, friends of the British Government.

ARTICLE III.

To protect all merchants and travellers passing through his country. Any member of the tribe acting contrary to this rule to be immediately punished.

ARTICLE IV.

That one of the sons, or a near trusted relation, of the reigning Sultan of the Fadhlee tribe shall reside in Aden, to be near the Resident and to transact business relating to the tribe.

ARTICLE V.

On these terms being solemnly agreed to, the past will be forgotten.

(Sd.) AHMED BIN ABDOOLLAH.

27th May 1867.

No. LXII.

For the FURTHERANCE of PEACE and AMITY between the HIGH BRITISH GOVERNMENT and the tribe of the FADHLEES, the undersigned, MAJOR-GENERAL CHARLES WILLIAM TREMENHEERE, C.B., POLITICAL RESIDENT at ADEN, on behalf of the BRITISH GOVERNMENT, and SULTAN HAIDARA BIN AHMED BIN ABDOOLLAH, the FADHLEE, for himself and his successors, have agreed to the following conditions:—

ARTICLE I.

Sultan Haidara bin Ahmed bin Abdoollah, the Fadhlee, agrees to waive his claim to transit dues and to all rights of revenue accruing from the kafilas

which enter and which leave Aden, and that the road through his territory shall be entirely free, and that there shall be no obstacles in the way of travellers upon it.

ARTICLE II.

Major-General Charles William Tremenheere, C.B., Political Resident at Aden, on behalf of the high British Government, agrees to pay to Sultan Haidara bin Ahmed bin Abdoollah, the Fadhlee, and to his successor the monthly sum of eighty (80) dollars, in consideration of the abolition of the transit dues as aforesaid.

ARTICLE III.

This agreement is distinct from, and in addition to, the engagement which was concluded with the Sultan of the Fadhlee tribe on the 27th day of May 1867, and the stipend as aforesaid, that is to say, the sum of eighty dollars to be paid monthly, is over and above the stipend of one hundred dollars which is at this present time paid monthly by the high British Government to the Sultan of the Fadhlee tribe, and this engagement is to come into force, and to have effect from this date of writing, that is to say, the 6th day of May 1872, answering to the 28th day of Safar in the year of the Hijra 1289.

(Sd.) M. SCHNEIDER, *Brigadier-General,*
Political Resident, Aden.

On behalf of MAJOR-GENERAL C. W. TREMENHEERE, C.B.

Seal.

(Sd.) HAIDARA BIN AHMED BIN ABDOOLLAH.

Seal.

(Sd.) NORTHBROOK,
Viceroy and Governor-General.

Ratified by His Excellency the Viceroy and Governor-General of India at Calcutta on the eighteenth day of December 1872.

(Sd.) C. U. AITCHISON,
Secretary to the Government of India.

No. LXIII.

ENGAGEMENT of PEACE and FRIENDSHIP entered into, on the 4th February 1839, by SULTAN HAIDARA BIN MEHDI, of the AKRABEES, and SHEIKH ABD-OOL-KUREEM BIN SALLAH MEHDI, SHEIKH FADHL BIN HAIDARA BIR AHMED, of SELA, AKRABEE CHIEFS with COMMANDER HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

Between the British and Akrabees there shall be peace and lasting friendship. Aden, belonging to the English, and the Akrabee tribe, shall be at peace and firm friends. If the subjects of either wish to have free intercourse in each other's territory, they shall be welcome, and receive neither molestation nor insult.

If the English wish to enter the Akrabee territory they shall be respected and received with kindness, for they are friends. If any disturbance should take place between the subjects of either country, the culprit, if English, is to be given over to the laws of Aden; if Akrabee, to the laws of the Sultan, for punishment.

In witness of the agreement, in the presence of God.

Dated Aden, the 4th February 1839.

(Sd.) SULTAN HAIDARA BIN MEHDI.

Witnesses:

(Sd.) SYUD ALOWI.
„ RASHED ABDOOLLAH.
„ JAFFER BIN MOOLLA ABDOOLLAH.
„ S. B. HAINES.

No. LXIV.

TRANSLATION of an AGREEMENT by the SHEIKH and ELDERS of the AKRABEE TRIBE.

PRAISE be to GOD, who is worthy of PRAISE!

Attestation and agreement from the Sheikh Abdoollah Ba Haidara Mehdi and all the elders of the Akrabees whose names are set below: we have covenanted with His Excellency the Governor, William Coghlan Sahib, ruler of Aden, upon everlasting sincerity and the repelling of sedition in their (own) limits, and upon purity of friendship. We will do all in our power (agreeably to friendship) to protect (the interest) the English government and its subjects, and if any of the English wish to come out to Bir Ahmed for recreation, they must inform us, and upon us rests the (their) perfect reverence and protection; any want the Governor may require, we are (his) soldiers day or night. Our country and our property are in the service of the

British Government, and may our Lord continue the friendship. Ultimately we have covenanted according to what we have explained above, and we beg God to confirm us in the fulfilment of the faithful covenants.

This is done on the 18*th of Shaban* 1273, 12*th April* 1857.

(Sd.) Abdoollah Ba Haidara Mehdi.
„ Saleh Ba Haidara Mehdi.
„ Abd-ool-Kureem Silam Mehdi.
„ Hadj Obaid Allah Yehia.
„ Ali bin Ahmed Ali.

Witnessed by

Syud Mahomed bin Zain Al Aidroos.

Syud Aidroos bin Zain Al Aidroos.

Sheikh Ali bin Ahmed Ba Abdoollah Azab.

In presence of

(Sd.) Alowi bin Zain Al Aidroos.

No. LXV.

Translation of an Agreement entered into by the Chief of the Akrabee Tribe regarding the sale of Jebel Ihsan.

Praise be to God alone!

The object of writing this lawful Bond is, that it is hereby covenanted and agreed betwixt Sheikh Abdoollah Ba Haidara Mehdi, Chief of the Akrabee tribe, on the one part, and Brigadier William Marcus Coghlan, Governor of Aden, on behalf of Her Majesty the Queen of England, on the other part, that the said Sheikh Abdoollah Ba Haidara Mehdi doth pledge himself, his heirs and successors, by this agreement never to sell, mortgage, or give for occupation, save to the British Government, any portion of the Peninsula called Jebel Ihsan, including the Khor of Bir Ahmed, Al Ghadeer, Bundar, Fogum, and all the intermediate coast and inlets.

In consideration of which act of friendship, the said Sheikh Abdoollah Ba Haidara Mehdi has received from Brigadier William Marcus Coghlan, Governor of Aden, an immediate payment of three thousand (3,000) dollars, and shall also receive from the said Brigadier Coghlan or his successors a future monthly subsidy of thirty (30) dollars, it being understood that this stipend imposes an obligation on the part of Sheikh Abdoollah Ba Haidara Mehdi, his heirs and successors, to protect all traders and British subjects who pass through or reside in the Akrabee territory, and also for preserving terms of peace and friendship betwixt the Akrabee tribe and the Governor of Aden, representing the Government of Her Majesty the Queen of England.

In token of this honorable engagement, the Brigadier William Marcus Coghlan and Sheikh Abdoollah Ba Haidara Mehdi do severally affix their hand and seal at Aden on Friday, the twenty-third day of January, in the

year of Christ one thousand eight hundred and sixty-three, corresponding with the third day of Shaban in the year of the Hegira one thousand two hundred and seventy-nine.

(Sd.) Abdoollah Ba Haidara Mehdi,
„ W. M. Coghlan, *Brigadier*,
Political Resident, Aden.

In presence of

(Sd.) Mahomed Ba Haidara.
„ Alowi bin Zain Al Aidroos.
„ Aidroos bin Zain.
„ H. Rassam,
Assistant Political Resident, Aden.

No. LXVI.

Translation of an Engagement entered into by the Sheikh of the Akrabee Tribe for the sale of Little Aden.

The cause of writing this lawful deed is as follows:—

That a Treaty and engagement is made between Sheikh Abdoollah Ba Haidara Mehdi, Sheikh of the Akrabee tribe, on the one part, and General Sir Edward Russell, Resident of Aden, on behalf of the Hon'ble British Government, on the other.

To wit, the above-mentioned Sheikh Abdoollah Ba Haidara Mehdi on his part binds himself by these presents to have sold and delivered over in perpetuity to the British Government the Peninsula, called Jebel Ihsan, *alias* Jebel Hussan, and the Khor of Bir Ahmed and Al Ghadeer and Bundar Fogum, and all and whatsover is comprised on the seashore in the matter of harbours or ports between the said Khor (of Bir Ahmed) and Bundar Fogum, and, moreover, the said Abdoollah Ba Haidara Mehdi binds himself, his heirs and successors by these presents, never to sell or pledge or give up any one for residence, excepting to the British Government, any portion whatsoever of Jebel Ras Imran, or the land on the border of the bay between Ras Imran and Jebel Ihsan or Hussan, and in consideration of what is aforementioned the said Sheikh Abdoollah Ba Haidara Mehdi has received from General Sir Edward Russell, Resident at Aden, the sum of thirty thousand German Crowns, being the amount of purchase money agreed upon by the said Abdoollah Ba Haidara Mehdi, and this sum of thirty thousand German Crowns is over and above the sum of three thousand German Crowns which Brigadier William Marcus Coghlan stipulated for, and paid to the said Sheikh Abdoollah Ba Haidara Mehdi on the 23rd day of January 1863, in accordance with the Treaty that was made on that date, and payment of these said three thousand German Crowns then well and truly made to the said Abdoollah Ba Haidara Mehdi.

In witness that the terms of this Treaty are truly and justly binding on Sheikh Abdoollah Ba Haidara Mehdi on behalf of himself, his heirs, and successors as to the sale, and on General Sir Edward Russell, Resident at

Aden, on behalf of the Hon'ble British Government as to the purchase, both have hereunto set their signatures and seals, at Aden, this 2nd day of April A.D. 1869, equivalent to 21st day of the month Zhil Hujj A.H. 1285.

(Sd.) ABDOOLLAH BA HAIDARA MEHDI.
„ E. L. RUSSELL, *Major-General, Resident at Aden.*

In presence of—

(Sd.) ALOWI BIN ZAIN AL AIDROOS.
„ G. R. GOODFELLOW, *Captain, Assistant Resident, Aden.*

Articles of Treaty and engagement between Sheikh Abdoollah Ba Haidara Mehdi and Sir Edward Russell, Resident of Aden, that the honor and respect which is due to Abdoollah Ba Haidara Mehdi from the British Government continue, and that from the present date an increase of dollars 10 to the present subsidy of 30 dollars be paid (making) a total of dollars 40 (per mensem), and that Abdoollah Ba Haidara (be permitted to) levy transport dues on whatever may be landed from the bunders which he has sold this day according to a Treaty drawn up with Sir Edward Russell on behalf of the British Government, should the goods so landed thence pass through his territory, *viz.*, Bir Ahmed, and all claims of Sultan Fadhlee, or of Sultan Ahmed, the Fadhlee, upon Bir Ahmed, the Resident is to take upon himself, and this is what is agreed upon.

This second day of April 1869, *equivalent to* 21*st day of Zhil Hujj* 1825.

(Sd.) E. L. RUSSELL, *Major-General, Resident at Aden.*
„ ABDOOLLAH BA HAIDARA MEHDI.

Witness—

(Sd.) ALOWI BIN ZAIN AL AIDROOS.
„ AIDROOS BIN ZAIN AL AIDROOS.
„ G. R. GOODFELLOW, *Captain, Assistant Resident, Aden.*

No. LXVII.

TRANSLATION of an AGREEMENT entered into by the OWLAKEE CHIEFS for the suppression of the Slave-trade.

In the name of the MOST MERCIFUL GOD and HIM we implore.

The reason of writing this bond is, that influenced by motives of humanity and by a desire to conform to the principles on which the great English government is conducted, we lend a willing ear to the proposals of our sincere friend Brigadier W. M. Coghlan, Governor of Aden, that we shall covenant with him and with each other to abolish and prohibit the exportation of slaves from any part of Africa to any other place in Africa or Asia or elsewhere under our authority.

We whose names and seals are set to this Bond do therefore in the sight of God and of men solemnly proclaim our intentions to prohibit the exportation of slaves from Africa by every means in our power; we will export none ourselves, nor will we permit our subjects to do so, and any vessel found carrying slaves shall be seized and confiscated and the slaves shall be released.

Peace.

Signatures.

Witnessed by Syud Mahomed bin Abd-oor-Rahman Al Zufferi.

SULTAN MUNASSAR BIN BOO BEKR BIN MEHDI, the Owlakee, done at Hour, dated 14th October 1855.

SULTAN ABOO BEKR BIN ABDOOLLAH BIN MEHDI, the Owlakee; same date and place.

Similar engagements were entered into by

ALI MAHOMED ZAID, elder of the Habr Gerhagis tribe of Somalis, at Mait; done the 5th Zuffer 1272, corresponding with the 17th October 1855,

HIRSEE ALI MAHOMED, elder of the Habr Gerhagis, tribe of Somalis, at Mait; done the 5th Zuffer 1272, corresponding with the 17th October 1855,

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And by

MAHMOOD MAHOMED, elder of the Habr Taljala tribe, at Hais; 5th Zuffer 1272, corresponding with 17th October 1855.

ABOO BEKR BIN MAHOMED, elder of the Habr Taljala tribe, at Racooda; done the 5th Zuffer 1272, corresponding with the 17th October 1855.

Witnessed by Omar bin Ahmed bin Syud Bashtiabeeoh.

ABD OMAR, elder of the Habr Taljala tribe, at Unkor; done the 6th day of Zuffer 1272, corresponding with the 18th October 1855.

ALI AHMED, elder of the Habr Taljala tribe, at Unkor; done the 6th Zuffer 1272, corresponding with the 18th October 1855.

HASSUN YOUSEF, elder of the Habr Taljala tribe, at Kurrum; done the 6th day of Zuffer 1272, corresponding with the 18th October 1855.

MAHOMED LEBAN, Chief of the Habr Taljala tribe, at Kurrum; done the 6th Zuffer 1272, corresponding with the 18th October 1855.

YOUSEF OTHMAN, elder of the Habr Taljala tribe, at Ain Tarad; done the 7th Zuffer 1272, corresponding with the 19th October 1855.

AHMED ABOO BEKR MAHOMED LEBAN, elder of the Habr Taljala tribe, at Ain Tarad; done the 7th Zuffer 1272 corresponding with 19th October 1855.

No. LXVIII.

TRANSLATION of a BOND executed by ABDOOLLAH BIN KHADHAR of the MANSOOREE.

I, ABDOOLLAH BIN KHADHAR, Mansooree, do hereby agree and do bind myself with Major-General Charles William Tremenheere, C.B., Political Resident at Aden, that if any plundering or any outrage be committed by the family of the Kuraysee in my territories, or beyond my territories, I will be security and answerable that satisfaction shall be made. I have executed this bond of my own free will and my signature is hereunto subscribed.

Dated at Sheikh Othman, the 13th day of May A.D. 1871, *answering to the 23rd day of Zafar, A.H.* 1288.

Witnesses.		Mark of
SULTAN FADHL BIN MUHSIN BIN FADHL.	(Sd.)	ABDOOLLAH BIN KHADHAR.
„ MOHAMMED BIN MUHSIN BIN FADHL.		
SHEIK HUSSAN NOOMAN, the Khaleefee.		
„ ABD AHMED BIN MOHAMMED SAEED, the Atawee.	(Sd.)	C. W. TREMENHEERE, *Resident.*

No. LXIX.

ENGAGEMENT entered into, on the 19th February 1839, by SHEIKH MAHOMED SYUD, the MUSAIDEE, and SHEIKH JWAS ABDOOLLAH, SHEIKH MAHOMED BIN AHMED, SHEIKH KOIEL, of the MUSAIDEE TERRITORY of the SUBAIHEES, and COMMANDER HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

Between us there shall be friendship and lasting peace; our wishes shall be one of kindness. Aden shall be at peace with us, and the subjects of both countries shall be at peace. No molestation or insult shall be offered in their intercourse with each other.

Dated 19th February 1839.

Signed by the Chieftains.

Witnesses:

(Sd.) ABDOOL RAZZAK, Cazee of Aden.

„ JAFFER BIN MOOLLA ABDOOLLAH.

No. LXX.

ENGAGEMENT of PEACE and FRIENDSHIP entered into, on the 20th February 1839, by SHEIKH MAHOMMED BIN ALI BUSALEE, of the SOUTHERN SUB-DIVISION of the SUBAIHEE, with COMMANDER HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

Between us there shall be lasting friendship and peace, and we agree to it in the presence of God. Our friendship shall be as one.

There shall be peace with Aden, and the subjects of my tribe and the subjects of the British shall have free intercourse, and not be molested or insulted in either's territory.

Any breach of this Treaty, or of the roads to the Red Sea being infested with robbers, shall be on the head of Sheikh Mahomed bin Ali, and he will be answerable that no Kafelas shall be molested. This Sheikh Mahomed bin Ali not only promises in his own district, but in that of the tribe of Artefee, whom he also controls.

If property, either from Aden or from the Subee territory, wishes to pass through the other territory, it shall be respected and protected; and for any infringement Sheikh Mahomed Busalee shall be answerable.

Dated 20th February 1839.

(Sd.) SHEIKH MAHOMED BIN ALI AL-BUSALEE.

Witnesses:

(Sd.) SYUD ALOWI.

„ ALI BIN ABDOOLLAH.

„ SHEIKH ARSEL EL-MUSAIDEE.

(Sd.) S. B. HAINES.

TREATY between SYUD MAHOMED JAFFER BIN SYUD AIDROOS, CHIEF of WAHAT and all under him, and COMMANDER HAINES, AGENT of GOVERNMENT.

We agree to lasting peace and friendship.

Aden is open for our free intercourse and friendship, and so is our country to each other, and both parties agree there shall be no oppression or insult.

(Sd.) SYUD MAHOMED JAFFER BIN SYUD AIDROOS.

Dated 2nd February 1839.

ENGAGEMENT entered into, on the 18th February 1839, between SHEIKH JWAS BIN SALLAAM AL ABBADEE and his tribe with COMMANDER HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

Between our respective territory there shall be peace and friendship, and Aden shall be at peace with the Abbadees.

A free intercourse for barter shall be permitted without insult or oppression; and in proof of the faith of this, Sheikh Jwas bin Sallaam agrees that this people shall not molest or plunder on the roads leading to Aden, and if any such misdemeanor occurs, he will be answerable.

Dated 13th February 1839.

(Sd.) JWAS BIN SALLAAM AL ABBADEE.

Witness:

(Sd.) SYUD ALOWI.

(Sd.) S. B. HAINES.

ENGAGEMENT of PEACE and FRIENDSHIP entered into, on the 18th February 1839, by SHEIKH MEHDI BIN ALI ZABAREE with COMMANDER HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

Between us and our countries there shall be peace and friendship; it shall be lasting; our interest shall be one.

We agree that Aden and the English shall be at peace with my tribe, and that the subjects of either may enter the other's territory, and shall neither be oppressed nor insulted, but treated with friendship. This we promise on both sides.

Whoever may enter Aden of Sheikh Mehdi's tribe shall be respected and allowed free intercourse, attending, of course, to the laws.

If robbery on the roads takes place, either by Sheikh Mehdi's tribe or any other within his district, he will be responsible.

Dated the 18*th February* 1839.

(Sd.) SHEIKH MEHDI BIN ALI.

Witnesses:

(Sd.) MAHOMED HOUSSAIN.

„ SYUD ALOWI.

(Sd.) S. B. HAINES.

ENGAGEMENT entered into, on the 18th February 1839, by the SHEIKH of ZAIDEE, SHEIKH SALLAH AL-MOIDEE, with COMMANDER HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

Between our respective countries there shall be peace and friendship, and Aden be at peace with us. The subjects of either may enter the other's territory without being subject to insult or oppression, merely attending to the laws.

Dated 18*th February* 1839.

(Sd.) SHEIKH SALLAH AL-MOIDEE.

Witness:

(Sd.) ABDOOL RAZZAK, *Cazee.*

(Sd.) S. B. HAINES.

ENGAGEMENT of FRIENDSHIP and PEACE entered into, on the 10th March 1839, by AOUN BIN YOOSOOF AL SHERZEBEE, with CAPTAIN HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

This paper is my witness, and is written by Sheikh Kasim bin Syud Sherzebee, and the interpretation is good. I am a friend, and a great friend with the English; it is true and permanent friendship. I trust in God that it will never be otherwise, and that nothing wrong shall ever take place, not even the slightest insult. My people shall enter your territory, and yours mine, as friends. Whatever the English please shall be done, and there shall

never be two words. I will always act upon your seal, whatever it may be. Our friendship is known to God, and He is witness to it.

Dated 10*th March* 1839.

(Sd.) Aoun bin Yoosoof Al Sherzebee.

Witnesses:

(Sd.) Syud Alowi bin Zain bin Syud Al-Aidroqs.

„ Hadjee Jaffer.

„ Sheikh Othman. (Sd.) S. B. Haines,
Political Agent.

No. LXXI.

Translation of an Agreement entered into by the Mansooree Section of the Subaihee Tribe for the Protection of the Roads at Aden.

The reason of writing this is as follows:—

Whereas there has been much delay and inconvenience caused to travellers in their journeys to and from Aden, this Agreement has been made with the Political Resident at Aden in order that henceforward facilities may be placed in the way of those who travel upon the roads.

Therefore, we, whose names are hereunto subscribed, namely, Abdoollah bin Khadhar, the Mansooree, Nasir bin Khadhar, the Mansooree, Ahmed Tukkee, the Mansooree, Ibraheem Sayf, the Khaleefee, Ali bin Ahmed, the Khaleefee, Abd Ahmed bin Mohammed Saeed, the Atawee, Hassan Nooman, the Khaleefee, do hereby agree with Major-General Charles William Tremenheere, C.B., Political Resident at Aden, on the part of the British Government, as follows:—

Article 1.

That we hereby forego and relinquish all dues or taxes upon goods within our territory, or our roads, or in our markets, which have hitherto been levied upon travellers passing to or from Aden.

Article 2.

That it is incumbent upon us to keep the roads secure and peaceful, and if any one belonging to our tribe plunders or otherwise injures travellers, we bind ourselves both to cause the restoration of the plundered property and in addition to punish the offender.

Article 3.

That if it can be shown that we have been lax or negligent in causing the restoration of the plundered property as above written, we bind ourselves to make good the same, and it shall be within the power of the Political Resident at Aden to satisfy the claim from any stipend which may be payable to us in commutation of the dues.

Article 4.

That it shall be within the power of the Political Resident at Aden, and at his discretion, to put an end to the payment of any stipend which

we may receive in commutation of the dues, and, in that case, it shall be lawful for us to revert to the scale of dues formerly levied by us upon merchandize.

ARTICLE 5.

That should any plundering take place, or any outrages be committed within our territory by members of another tribe, we will endeavour to the utmost of our power to cause the restoration of the plundered property.

ARTICLE 6.

That there should be perpetual peace and friendship between us and the British Government and the friends and allies of the British Government.

ARTICLE 7.

That we are content to receive, in consideration of this Agreement, the sum of twenty-five Dollars ($25) monthly from the Political Resident at Aden.

ARTICLE 8.

This Agreement is binding upon us and our successors and upon the British Government for ever, and shall be held to be in force from the 15th day of May A.D. 1871, answering to the 25th day of Zafar, A.H. 1288.

Written on the 13th day of May A.D. 1871.

Marks of
(Sd.) HASSAN NOOMAN, the Khaleefee.
„ ABD AHMED, the Atawee.
„ ALI BIN AHMED, the Khaleefee.
„ IBRAHEEM SAYF the „
„ AHMED TUKKEE, the Mansooree.
„ ABDOOLLAH BIN KHADHAR, the Mansooree.
„ NASIR BIN KHADAR, the Mansooree.
„ C. W. TREMENHEERE, *Resident.*

Witnessed by
SULTAN FADHL BIN MUHSIN of Lahej.
„ MOHAMMED BIN MUHSIN BIN FADHL.
SHEIKH SALEH BIN ALI, the Doobeynee.
„ ABD-OOL KUREEM, the Mansooree.
„ SALIM BIN ABDOOLLAH, the Rajaie.

Similar engagements entered into by the Makhdoomee and Rijaie sections of the Subaihees.

No. LXXII.

TRANSLATION of an ENGAGEMENT entered into by the ATAFEE CHIEFS for the PROTECTION of SHIPWRECKED BRITISH SUBJECTS.

The reason of writing this is as follows:—

That we whose names are hereunto subscribed, namely, Saleh bin Kajih, the Atafee, Ali bin Yehya, the Atafee, Khadhar bin Salim, the Atafee Saeed

bin Ali bin Ali, the Atafee, Ahmed Sa'ad Sherweet, the Atafee, Sa'ad bin Sherweet, the Atafee, Nasir bin Saleh, the Beleshee, Ali bin Abdoollah, the Yusufee, do hereby agree with Major-General Charles William Tremenheere, C.B., Political Resident at Aden, as follows:—

ARTICLE 1.

That it is incumbent on us to preserve peace and foster security in our territory and upon our shores.

ARTICLE 2.

That in the event of any steamer, ship, or other vessel belonging to the British Government, or to a British subject, or to any other power, or to the subjects of any other power, being wrecked upon our shores, protection shall be accorded to her and her crew, and the latter shall receive good treatment.

ARTICLE 3.

That should the crew, as aforesaid, wish to proceed to Aden, we will protect them and conduct them in safety to that place.

ARTICLE 4.

That if any sailor, belonging to any vessel which may be at anchor in Aden, or the neighbouring harbours, or if any soldier belonging to the garrison of Aden, shall desert to our country, we will protect him and conduct him in safety to Aden to be dealt with there.

ARTICLE 5.

That there shall be perpetual friendship between us and the British Government and the friends and allies thereof.

Dated at Sheik Othman, the 13th day of May, A.D. 1871, *answering to the 23rd day of Zafar A.H.* 1288.

Marks of

(Sd.) SHEIKH SALEH BIN KAJIH, Atafee.
" ALI BIN YEHYA, Atafee.
" KHADHAR BIN SALIM, Atafee.
" SALIH BIN SALIM, Atafee.
" SALIH BIN SAEED, Atafee.
" KAJIH BIN MUHSIN, Atafee
" KASSIM BIN HASSAN, Atafee.
" SAEED BIN ALI, Atafee.
" AWAH BIN RAJIH, Atafee.
" NASIR BIN SALEH, Beleshee.
" ALI BIN ABDOOLLAH Yoosoofee.
" SAEED BIN SHERWEET, Atafee.

Witnessed by

SULTAN FADHL BIN MUHSIN BIN FADHL, the Abdallee.
SULTAN MAHOMMED BIN MUHSIN BIN FADHL.
SHEIKH SALIM BIN GHANIM, the Somali.
ABD-OOL-KUREEM, the Mansooree.
SHEIKH NASIR BIN SAEED, the Makhdoomee.

(Sd.) C. W. TREMENHEERE, *Resident.*

No. LXXIII.

ENGAGEMENT of FRIENDSHIP and PEACE entered into, on the 12th February 1839, by SHEIKH ARSEL BIN HYDEE BIN AHMED MUSAIDEE, of a district of the YAFFAEES, and the accredited Agent from the ancient Chieftain SULTAN ALI GHALIB, of the YAFFAEES, with COMMANDER HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

We agree that there shall be peace and friendship between us, and that the English at Aden shall be at peace with us. Should the subjects of either country enter the other's territory, they shall not be molested or insulted, but be considered as friends.

If Kafelas from the Yaffaee district wish to enter Aden by the Gar Wallah territory for trade, they shall not be molested, but the property respected by both parties, and the owners allowed free intercourse and barter. They may export from Aden, and they shall be respected.

Dated Aden, the 21st February 1839.

(Sd.) SHEIKH HASIL BIN HADEE BIN AHMED.

Witness:

(Sd.) ALI ABDOOLLAH SYUD ALOWI.

LITERAL TRANSLATION of a TREATY concluded by SULTAN ALI GHALIB and his son AHMED BIN ALI GHALIB, of the tribe of YAFFAEE AL EFEFEE.

In the name of God, the merciful, the clement!

We faithfully agree, on the part of ourselves and those who are subordinate to them, those of the tribe of Yaffaee and those who are dependent on them, and of the tribe of Mureedea and Sayeedeh and those dependent on them, and for Commander Haines, Governor of Aden, for all and every belonging to them, on Sultan Muhsin Fuzil Obaid Ali, Commander Haines, Governor of Aden, and representative of the Company, and in the manner that went, the Sultan Obaid Ali, past and future, and those of the tribe who are gone and are coming, that they shall possess their own property, and that whatever they have shall be theirs, and whatever loss is occasioned to them in Lahej or round about it, or in its environs, or in Aden, or on the road of Aden, are included in the same Treaty concluded by Obain Ali, and if any injury is occasioned by the tribe of Yaffaee or by its dependants Ali Ghalib shall be responsible, and if at any time Ali Ghalib will render assistance to any one of the Sultans, or any one of the other tribes, the Treaty confirmed by God will be violated between us and him, and our hand and the hand of Sultan Muhsin shall be as one, and our friends and the friends of the Sultan shall be the same. If any of the above shall be plundered on the road of Lahej the Treaty will be infringed; and if any thing which we have is broken or taken away, and if any one makes war in Lahej, or kills any one in Lahej, or

in Aden, or on the road of Aden, and it shall be known that that man is of the tribe of Yaffaee or one of its dependants, he (Sultan Ali Ghalib) will be responsible. This Treaty of God which we have will never become old, but be always held to be new. We shall take what is agreed upon every six months, commencing the 1st Zilkad 1254 Hegira (18th January 1839), and what is agreed upon will be taken by us, or by the Sultan, or by his son. This is what has been agreed upon and settled by Sultan Ali Ghalib and his son Ahmed bin Ali Ghalib, and has been agreed to by their representatives Hasil bin Ahmed bin Hadee and Hyder bin Ahmed, who have been sent by them, and they are the representatives of Ali Ghalib, and this is concluded this 25th day of Rubbee-ool-awul 1255 Hegira (8th June 1839).

Witnesses:

(Sd.) Syed Mahomed bin Zain bin Boo Bekr.

„ Kazee Abdool Ruza bin Ali Saad bin Musuood.

„ Hasil bin Ahmed bin Wadee, *of the tribe of Mooreelee, Vakeels of Ali Ghalib.*

„ Mahomed Ali Yehia.

„ Jaffer Moonshee, *of the Company's Government.*

„ Hyder bin Ahmed Yaffaee, *Vakeel of Ali Ghalib.*

No. LXXIV.

Treaty of Friendship and Peace between the English and Hazzabee Tribe.

Bismillah Ir-Rehman Ir-Rehim Be Minnet Allah!

This agreement is between the Hazzabees for peace. On the part of Sheikh Abdoollah Hazzaab, Sheikh Hamed bin Abdoollah Hazzeeb Mukee Hazzabee, and Commander Haines, the English Agent, on the part of government. We are now friends, and promise peace and friendship, great and lasting friendship, and that our hearts and wishes are one.

Further, that there shall be peace and friendship with Aden, and that any of our subjects or the subjects of Britain pass into each other's territory; neither party shall be insulted, or injured; we are one. If the subjects of either do wrong, they are to be given over for punishment by their own laws.

In the presence of

(Sd.) Syud Alowi bin Aidroos Ali bin Boo Bekr Rashed Abdoollah.

„ Sheikh Mahomed bin Abdoollah Huzzeeb Mukee Hazzabee.

15th Zilkadeh, 31*st January* 1839.

(Sd.) S. B. Haines.

No. LXXV.

TRANSLATION of a BOND entered into by SULTAN MANA BIN SALAM of the HOWSHABEE, and his son SALAM BIN MANA, of the HOWSHABEE.

Sultan Mana bin Salam of the Howshabee, and his son Salam bin Mana, of the Howshabee, declare of their own accord that they enter into an agreement with all those under them, belonging to Howshabee, their clans, and all those dependent upon them, the Chief of Haroor-ool-Awajeer, and the whole Howshabee, as before arranged with Commander Haines, Governor of Aden, who sincerely agrees to pay the allowances received by them from Sultan Muhsin Fadhl Abdalee. What has been arranged between them (Commander Haines and the Sultan) is that whatever belongs to the Sultans of Abdalee, former and succeeding, and to those of the Howshabee, former and succeeding, shall be theirs respectively.

The Abdalee shall be responsible, as is agreed upon, for all outrages committed in Lahej, its neighbourhood, or within its limits, or in Aden, its roads, or within its boundaries, and Mana bin Salam for those perpetrated by the Howshabee, their clans, or those subject to them. In case Mana render any assistance to any other Sultan or tribe, this Bond is to be considered null and void. Our (Sultan Mana's) hand is the same as that of Sultan Muhsin Fadhl, and our friend is identical with Sultan Muhsin. In the event of any plunder by any of the above tribes on the roads or in Lahej, the Bond which we have shall be considered null until we make restitution of whatever may be carried away. Should any one commit an assault or murder in Lahej or Aden, or on the roads, and should such person be proved to be one of the Howshabee or of their clans, he shall be seized and considered an offender. This Bond is binding and lasting. We shall receive our allowance from government every six months, or a part, if necessary, after two months. This is to commence from the month of Zilkad Hegira 1254 (January, February 1839). The above people shall receive the allowance fixed for them through us, or the Sultan (Muhsin), or his children. These are the stipulations agreed upon by Sultan Mana bin Salam and Salam bin Mana, and which are mediated by Abee Muhsin bin Wugees bin Kassim Suffeean, who is Vakeel of the Howshabee. These points are agreed to on Friday, the 2nd Rubee-oos-sance, Hegira 1255 (14th June 1839). The allowance fixed for the Howshabee is 628 Cooroosh Fransa per annum, half of which is 314 Cooroosh.

Witnesses:

MAHOMED HOUSSAIN BIN WAIS BIN KASSIM SUFFEEAN JAFFER, *Translator.*

KAZEE ABDOOL RAZZAK BIN ALI.

ALI BIN ABDOOLLAH ALI.

SENAA.

From Playfair's History of Yemen and Papers in the Foreign Office.

About the beginning of the seventeenth century, the English obtained a firman from the Governor of Mocha for the establishment of a factory, and permission to trade on payment of a duty on goods, not exceeding 3 per cent. This deed was confirmed by the Turkish Pasha of Yemen. About the same time the Dutch established a factory at Mocha, which was then the great depôt for the trade of southern Arabia, and a century later a factory was also opened by the French. After the expulsion of the Turks in 1630, the whole of Yemen came under the government of the Imams of Senaa; but at the time of Carsten Neibuhr's visit to Senaa in 1763, the native Arab tribes of the provinces of Aden, Abu Arish, Taizz, and others had thrown off allegiance to the Imams. In 1799, when the British Government took measures to oppose the expected invasion of India by the French, and to revive the lost trade of the Red Sea, Dr. Pringle was deputed to Senaa with presents from the Governor General, and obtained from the Imam, Ali Munsoor, orders to the Governors of Mocha, Hodeida, and Lohaia to give every facility to trade. Two years afterwards an effort was made by Sir Home Popham, who had been constituted ambassador to the States of Arabia, to negotiate a commercial Treaty with Senaa; but he was insulted by the Governor of Mocha, and the terms of the proposed Treaty were rejected by the Imam.

At the beginning of the present century, Imam Ali Munsoor suffered severely at the hands of the Wahabees, who overran and wrested from him some of the best districts of his dominions. In 1816, however, Mahomed Ali Pasha, after he had destroyed the Wahabee power, restored these districts to Ahmed, the son and successor of Imam Ali Munsoor, in consideration of an annual tribute of one hundred thousand dollars. Ahmed was succeeded in 1817 by his son, Abdoollah, who was unable to retain the provinces which had been restored to his father.

In 1817, in consequence of a dispute in which an Arab had been temporarily detained at the factory at Mocha, the Residency was attacked and plundered, and a British officer was dragged before the Governor, by whom he was subjected to the most brutal insults. After some delay a British squadron was sent to demand satisfaction for this outrage. On 26th December

1820 the fort of Mocha was taken, and shortly afterwards a public apology was made for the insult offered to the British Government, and a Treaty (No. LXXVI.) was signed by the Imam of Senaa and his Council, defining the rights to be enjoyed by British subjects, and reducing the export duty on trade to 2¼ per cent. This Treaty was framed in the most slovenly and discreditable way, and it was afterwards discovered that serious discrepancies existed between the English version and the Arabic counterpart. The Imam refused to allow any modification. To preserve friendly relations, the British Government yielded every point, except one in the sixth Article. The clause in the English version of that Article, which stipulated that the servants of the factory should be amenable only to the jurisdiction of the Resident, was altogether omitted in the Arabic. The Imam was informed that all other points were conceded, but that if he attempted to seize or punish any person, of whatever nation, in the exclusive employment of the Resident, the Resident would withdraw, and such further measures would be adopted as might seem to the British Government to be expedient.

In 1840 a commercial Treaty* was concluded with the Shereef of Mocha by Captain Moresby, similar to that concluded in the same year with the

* Commercial Treaty entered into between Sherife Hossein bin Ali bin Hydar ul Hassennee, Governor of Mocha, for himself and posterity, and Captain Robert Moresby, of the Indian Navy, on the part of the Hon'ble the East India Company.

It being advantageous to both parties to enter into a treaty of peace and commerce, and that a mutual good understanding should exist between each other, Sheriff, Hossein bin Ali bin Hydar ul Hossennee and Captain Robert Moresby of the Indian Navy being fully authorized to do so agree to the following Capitulations and Articles:—

1*st.*—That friendship and peace shall be lasting between the States of Mocha and its dependencies and the British Government.

2*nd.*—That the English nation, and all vessels lawfully sailing under the British flag having merchandize of any description, shall be respected and permitted without the slightest prejudice or molestation of their persons or effects to enter and trade in the port or ports of Mocha and its dependencies. English born subjects paying a duty of 2¼ per cent. upon all produce, other British subjects paying duty according to the records of former treaties and custom, and the subjects of the Sheriff of Mocha shall pay the usual duty as heretofore paid in British ports.

3*rd.*—The port of Mocha and the adjacent ports under the Government of Mocha are to be open to the introduction and reception of all goods, merchandize, &c., brought in ships or vessels lawfully trading under the British flag. Further, Sheriff Hossein bin Ali bin Hydar ul Hossennee will endeavour all in his power to introduce British produce into the interior States of Mocha and its dependencies.

4*th.*—Sheriff Hossein bin Ali bin Hydar ul Hossennee, Governor of Mocha, engages at all times to respect and regard the friendly advice of any authorized person belonging to the English Government, and agrees not to enter into any treaty or bond with any other European nation or person, without, in the first instance, bringing the subject to the notice of the British Government or authorities at Aden, so that the same may in no manner prove detrimental to his friends, the English, and their commerce. In return for these conditions the English Government will observe the interests of the States of Mocha and its dependencies, and do all in their power to assist in improving its commercial resources connected with these Articles, the Sheriff of Mocha

Chief of Zaila. (See page 174). Shortly afterwards the British flag was cut down, and the duties levied from British subjects were raised to 9 per cent. As Mocha had by this time fallen under the government of the Sublime Porte, it was doubtful whether Shereef Hossein had any right to conclude a Treaty as a principal. The British Government also objected to certain exclusive clauses in the Treaty, which were directed against the trade of other European nations. The dispute was amicably adjusted through Her Majesty's ambassador at Constantinople, but the Treaty was never ratified.

For many years the country of Senaa was in a state of absolute anarchy. In 1832 Mocha and all the sea coast fell under the suzerainty of the Turks. It was afterwards recovered for a time, but again finally lost in 1848. Ali Munsoor, who succeeded his father as Imam of Senaa in 1834, was deposed three years after. But he again succeeded to power in 1844, on the death of his uncle, only to be again deposed in 1845 by Mahomed Yehia, a distant relative of the family. Mahomed Yehia, in 1849, swore allegiance to the Porte, and agreed to hold Senaa as a vassal of the Sultan, paying to him half the revenues and receiving a Turkish garrison in his capital. This

and its dependencies is allowed to trade with any European nation, and Sheriff Hossein bin Ali bin Hydar ul Hossennee engages never to enter into any agreements or bond with any other European power, and should he find any European or native power at enmity or war with the English, he will cease communicating with such powers.

5th.—Any subjects of either power having committed crime or offence is to be brought before the Judge or Cazee through the Government Agent, should it not be settled at this tribunal the British Agent and the Governor of the place will decide upon the case.

6th.—Sheriff Hossein bin Ali bin Hyder ul Hossennee engages to respect and protect any merchants or other British subjects residing in his territories, provided the sanction of this Government be previously obtained, the British Government guaranteeing the same privilege to their people of Mocha and its dependencies.

7th.—In entering into any bond or treaty or trading with either European or other power, Sheriff Hossein bin Ali bin Hyder ul Hossennee engage that bond or treaty shall be acceded to or acquiesced in by him which will either at the present or any future period prove detrimental to the interest of the English either in a political or commercial point of view, and in return for such agreement the British promise they will act in no manner which may bear an evil tendency towards the States of Mocha.

8th.—We, Sheriff Hossein bin Ali bin Hydar, ratified the above Articles for the benefit of both powers.

In witness whereof we, this first day of September 1840, corresponding with the third of of Radjul 1256 of the Hedjere, have attached our seals.

Translation of a Treaty by J. Kalehatoon.

(Sd.) ROBERT MORESBY,
Captain, Indian Navy.

MOCHA, 1*st Sept.* 1840.

N.B.—At the conclusion of the 7th Article inserted by Sheriff Hossein that he does not wish any injuries to the British Government either from French or other European powers or Mahomed Ally Pasha, and he will consider the enemies of the English are his, and his theirs.

so incensed the inhabitants, that they rose upon the Turks, massacred them, and reinstated Ali Munsoor, who ordered Mahomed Yehia to be put to death. Within a few months Imam Ali Munsoor fell into the hands of Ghalib, the son of Mahomed Yehia, who contented himself with confiscating his property. The people of Senaa, however, refused to acknowledge the authority of Ghalib, and elected a Governor, Sheikh Ahmed Al Khemiah, from among their own body. For some time Ghalib lived a profligate drunkard in an obscure village a few miles from Senaa, till 1858, when he was recalled and reinstated in the government with the title of El Hadi but with nominal power. During the internal revolutions in Senaa and the desultory warfare with the Turks, the Imams repeatedly endeavoured to enlist the aid and advice of the British Government in their cause. A rigid abstinence, however, was maintained from all interference in their affairs.

In 1856 however, when the Beni Asseir tribe marched against Hodeida with a force 60,000 strong, they were deterred from attacking it by the presence of two British ships which had been sent there for the purpose of protecting British subjects and their property. Before the town surrendered cholera broke out in the camp of the besiegers and they retired in haste.

In 1867 the Beni Asseir tribe broke out a second time into open insurrection against the Turks and re-occupied the provinces from which they had been expelled. The disturbances were temporarily put down by Egyptian troops, but broke out again in November 1870. The Porte preferred to deal with the revolt without the aid of the Khedive, and a force of 15,000 troops was despatched to Yemen by the Sultan. Before the arrival of this force in February 1872 the El Asseir had attacked Hodeida, but were repulsed by the Turkish garrison. The Turkish expeditionary force proceeded on arrival against Senaa, which was captured in April 1872, since when Yemen has been administered by a Turkish Governor General whose head-quarters are at Senaa.

No. LXXVI.

TREATY concluded with the IMAM of SENAA on 15th January 1821.

In explanation of the Articles which were settled between the Umeer Futtuh-oolla, the Agent for the Imam Mehdi, the Chief of Senna, the City of Sam, and between the Agent of the English Government, Agha Mr. Bruce Khan, in the year 1236, and from the birth of Jesus 1821:—

English Version.

ARTICLE 1.

That the Resident shall have a guard of the same strength as is allowed at Bagdad, Bussorah, and Bushire, of thirty men, to support his respectability.

(Sd.) WM. BRUCE,
Govt. Agent.

ARTICLE 2.

That the Resident shall be exempt from all compliances degrading to the character of the representative of the British Government; that he shall have full liberty to ride on horseback when and where he pleases; have free ingress and egress to all the gates of Mokha, amongst others of Sheikh Shadeley, from which Europeans have hitherto been excluded for some years past; and shall have all the same liberty and freedom they have at Bushire, Bussorah, Bagdad, and Muscat.

(Sd.) WM. BRUCE,
Govt. Agent.

Translation of the Arabic Counterpart.

ARTICLE 1.

That the Resident (Vakeel) who may be stationed on the part of the English Government at the port of Mokha shall have with him (*lit.* there shall be with him) thirty Military from out of their army, like the Residents (Vakeels) at Busrah, Bagdad, and Ubooshuhur (Busheer.)

It is finished besides this.

Signed by six witnesses.

ARTICLE 2.

That the Resident (Vakeel) who may be stationed in the factory on the part of the British Government shall have (*lit.* there shall be to him) respect, attention, dignity, and character near the Governor; and those who are dependants of the British Government may ride on horse, &c., and they may ride in any other mode as they may feel inclined. He may go out of the cities and into the cities for pleasure, refreshing his spirits; and he may go out through the whole of the gates, especially out of the Shadullee. He may go out mounted on horses, &c., and he may enter mounted, being independent in his own mind (meaning as he pleases). It is necessary that there shall not be any to hinder

him, nor any person shall say a word to him; and to him (there shall be) respect as at the other ports, Bagdad, Busrah, Ubooshuhur, and the port of Muscat.

It is finished besides this.

Signed by the six members of the Mokha Council.

ARTICLE 3.

A piece of ground to be allotted for a cemetery; and none of those under the British Government and flag to be spoken to or insulted on account of their religion.

(Sd.) WM. BRUCE,
Govt. Agent.

ARTICLE 3.

The dead of the English, that the Almighty and Supreme God orders their souls to be snatched away, there shall be a place appointed and set apart for them that they may bury their dead in it; no one shall say to them, "the practice of your 'sect is such or such,' it is not good."

It is finished besides this.

Signed by the six members.

ARTICLE 4.

The Resident to have free permission to proceed to Senna and communicate with His Highness the Imam, whenever he may deem it necessary to do so; the Dola on these occasions furnishing a guard or escort if it should be deemed requisite.

(Sd.) WM. BRUCE,
Govt. Agent.

ARTICLE 4.

The Agent (Vakeel) of the English Government who is stationed at the port of Mokha, if it should please his mind to go out, he may go out to Senna to His Highness the Imam Mehdi for recreation of the mind. No one shall hinder him, and the Hakim of Mokha shall grant of his own army an escort for a safeguard on the road and there is nothing contrary to him.

It is finished besides this.

Signed by the six members.

ARTICLE 5.

That the anchorage duty of (400 G. C.) four hundred German crowns shall henceforth cease on British ships, which has hitherto been levied on all merchant ships when they landed

ARTICLE 5.

The merchant ships which are dependent on the English Government, there was a custom that they should pay 400 rials as anchorage duty; but from this day it ceases

cargoes. Hereafter no duty on this account shall be paid whether cargo is landed or not, the same as His Majesty's ships and the Honourable Company's vessels of war.

(Sd.) Wm. Bruce,
Govt. Agent.

there is nothing (leviable) on them; their situation is that of the government vessels and the King's ships. If its cargo should be brought on shore there is nothing (leviable) on them of the 400 rials. This affair was discussed and fixed without being referred to Senna, on the condition of the cessation of hostilities and the removal of the blockade of the port.

It is finished besides this.

Signed by the six members.

Article 6.

All subjects of the British Government trading to Mokha, and particularly the merchants of Surat, shall do so under the protection of the British flag, (if of the Islam faith, and wish to settle their disputes according to the Mahomedan Sharah, they shall be at liberty to do so, a person on the part of the Resident attending,) and all differences among themselves shall be decided by the Resident; in the event of any of the Imam's subjects being concerned in the dispute, by an Agent on the part of the Resident (or himself if he pleases) and the Governor conjointly; if the Imam's subject is wrong, the Governor shall punish him; if on the contrary the Resident. Also that all the dependents of the factory of every denomination, from broker downwards, shall be wholly under the protection of the British flag and control of the Resident, who shall alone possess the power of punishing them and redressing all complaints against them.

This sixth Article has been expressly admitted by separate grant to Captain Bruce by His Highness the Imam.

(Sd.) Wm. Bruce,
Govt. Agent.

Article 6.

That all merchants who are the dependants of the English Government, under their protection and under their flag, may transact their affairs (trade) at the Bunder of Mokha, especially the natives of Surat. If there be Mussulmen among them, and disputes should happen between them, and any of them may desire (to have) the law (Mussulman), no opposition is to be made to them (meaning to their wishes).

Whenever there may be (any dispute) between the people ("Jumaut") of Resident, and the subjects of Mokha, a person may come (be present) on the part of the Resident before the Hakim of Mokha, who will observe in what manner the wrong has been committed, and by whom. If the native of the country be in the wrong, the Hakim of Mokha is to punish him, but if the crime or wrong should have been committed by the English military ("Uskur"), then the Resident is to punish them.

This Article, the sixth, is one of the two which were referred to the Imam Mehdi for his consideration, and the Shurcef's answer having

ARTICLE 7.

That the export duty on the British trade shall be hereafter 2¼ per cent., the same as the French, and not 3½ as hitherto, and that the import duty shall be the same to the English and all their subjects, and no more shall be levied than 2¼ per cent. upon imports and exports.

This Article is expressly granted by separate Firman from His Highness as a particular mark of his friendship to the British nation.

(Sd.) WM. BRUCE,
Govt. Agent.

MOKHA,
15*th January* 1821.

(True copy.)

(Sd.) WM. BRUCE,
Govt. Agent.

Signed and sealed by Umeer Futteh-oolla and all the members of the Mokha Council to each separate Article as also by Captain Bruce.

Approved.

(Sd.) JOHN KISH LUMLEY,
Capt. of H. M.'s Ship "Topaze," and Senior Officer.

arrived, was (given into) the hands of Mr. Bruce, a copy being retained by the Umeer Futteh-oolla; and on receipt of the answer, there was an argument between Mr. Bruce and the Umeer Futteh-oolla, the (substance of) which is written above.

ARTICLE 7.

In regard to duties on what is exported from the port of Mokha, two dollars and a quarter shall be paid on one hundred, as the French, who pay two dollars and a quarter on the hundred, and the imports into the port of Mokha shall be like that for the English government and for the English merchants.

This seventh Article is (one) of the two Articles which were referred for the consideration and decision of His Highness the Shureef Medhi, and to which the answer returned by the Shurreef was as follows:—

"We have reduced the duties three quarters of a dollar per cent. out of three dollars, and this is upon all goods imported into the port in the name of the English Sirkar and their merchants; there is not (to be) more (required) from them than two and a quarter dollars per cent. alone, both upon goods imported and on goods exported, and this is as a mark of our regard and respect for the said two (the English government and their merchants and for the preservation of the intercourse and friendship between us both, as was (the case) with those who existed before us (in former times).

"*Dated Rubbee-oo-sance* 1236 *of the Hegira A.D.* 1821."

Signed by the six members.

PART III

TREATIES AND ENGAGEMENTS

RELATING TO

AFRICA.

DANKALI COAST & SHOA.

THE principal ports on the African coast, opposite to Aden, are Tajoura, Zaila, Bulhar, and Berbera. Of these Tajoura lies to the west and the most easterly is Berbera. Tajoura and Zaila are the principal outlets of the trade of southern Abyssinia. Bulhar is an open roadstead which affords no shelter to shipping; it is used as a trading station by the Ayyal Yoonus subdivision of the Habr Awal tribe and when the roads to Berbera are rendered dangerous for travellers by inter-tribal quarrels. Berbera, which is nearly opposite to Aden, furnishes live stock for the garrison and inhabitants of that settlement. It is not a permanent town, but a collection of huts inhabited during the trading season by a large Somali population, who have no acknowledged head and are consequently incessantly at feud with one another. From June to October during the south-west monsoon it is almost deserted. During the north-east monsoon Berbera affords a safe and commodious harbour for shipping.

Tajoura and Zaila.—In 1840 after the capture of Aden, it was deemed necessary to secure command of the harbours of Tajoura and Zaila on the Dankali coast, in consequence of the reported despatch of a French expedition from Bordeaux to obtain a footing in Eastern Africa. Tajoura paid tribute to Zaila, though practically independent of it, and both places were subject to the Imams of Senaa, by whom Zaila was farmed to individuals who paid a yearly tribute for the rights of Governorship, levying taxes, &c. The same system was pursued by the Egyptians after their capture of Mocha. After the Egyptian evacuation of Yemen in 1840, Syud Mahomed El Barr,

who commanded the forces of the Shereef of Mocha and whose family had for years previously held Zaila under the Government of Mocha, obtained possession of Zaila at a yearly rent of 500 dollars, and during the revolutions which then and afterwards convulsed Yemen, both he and the Tajoura Chief succeeded in making themselves independent.

Accordingly a Treaty (No. LXXVII.) was concluded with Mahomed bin Mahomed, Chief of Tajoura, on the 19th August 1840, by which the Mussa islands were ceded to the British Government, and in September 1840 a Treaty (No. LXXVIII.) of the same tenor was signed by Syud Mahomed El Barr, who ceded the island of Aubad.

The principal Articles in the Treaties were those by which the Chiefs of Zaila and Tajoura bound themselves not to enter into any Treaty or Bond with any other European nation or person without, in the first instance, bringing the subject to the notice of the British Government at Aden. The British Government suggested a modification of these Treaties, and the omission of all clauses of an exclusive nature directed against the trade of other nations, but owing to the distracted state of Yemen and its dependencies, the alteration of the Treaties was not effected.

Syud Mahomed El Barr subsequently leased Zaila to El Hajj Shermarki bin Ali Salih of the Habr Gerhajis tribe for a sum of 750 dollars per annum. When in 1848 Zaila and Tajoura fell under the Government of the Turks, who had intervened in the quarrels between the Shereef of Mocha and the Imam of Senaa and taken possession of Hodeida and the other towns of the Tehama or low country, Zaila was taken from the El Barr family and the lease was continued to Shermarki by the Turkish Governor of Mocha and Hodeida. In 1855 Shermarki was deposed, but reinstated on payment of a heavy fine to the Turkish authorities. In 1860 he was arrested by the French on suspicion of having been concerned in the previous year in the alleged murder near Zaila of the French Consular Agent at Aden. He was taken to Hodeida and thence to Jeddah where he died. Since then Zaila has been farmed by a Dankali Chief, Aboo Bakr Shehem.

Somalis.—In 1825 a British vessel trading at Berbera was attacked and plundered by the Habr Awal tribe of Somalis. A vessel of war was sent to punish the tribe for the outrage which they had committed. On 6th

February 1827 a Treaty of peace and commerce (No. LXXIX.) was signed by the elders of the tribe, by which they agreed to compensate the Captain of the vessel for his losses and to provide for the families of the men killed. They also bound themselves to allow British vessels to trade unrestrictedly at any port under the authority of the Sheikhs of the Habr Awal tribe.

An expedition was sent in 1854 to explore the country between Berbera and Zanzibar. On the 18th of April 1855 the party were suddenly attacked by Somalis of the Eesa Moosa tribe; two British officers were wounded, one was killed, and the entire property of the expedition was carried off. A demand was at once made on the Habr Awal tribe for the surrender and punishment of the chief offenders, and the demand was enforced by the blockade of Berbera. The elders of the tribe did their best to comply with the demand, but were unable to apprehend the actual murderers, who took refuge in the interior. The British Government at last consented to withdraw the blockade on the Somalis binding themselves by a Treaty (No. LXXX.) to use their utmost endeavours to deliver up the murderers, to allow free trade with their territories, to abolish traffic in slaves, and to treat with respect any British Agent who might be deputed to see that the conditions of the Treaty were observed.

In 1855 the elders of the Habr Gerhajis and the Habr Taljala tribes of Somalis entered into an Engagement (No. LXVII.) with the Political Resident at Aden to prohibit the slave-trade, and in 1866 a similar agreement (No. LXXXI.) was concluded with Sultan Mahmood bin Yoosuf, Chief of the Mijjertain tribe of Somalis.

Shoa.—In 1840, Sahela Selassie, King of Shoa in Southern Abyssinia, expressed a desire to cultivate the friendship of the British Government, and wrote to the Government of Bombay asking to be furnished with guns and warlike stores. Shoa was then one of the most powerful and important provinces in Abyssinia. It is inhabited by the Galla tribe. At the time when Sahela Selassie made these advances, the steam navigation of the Red Sea had given an exaggerated importance to the trade of Abyssinia. It was therefore determined to send a mission to the court of Shoa, with which country the French also appeared anxious to establish friendly connections. A commercial Treaty (LXXXII.) was concluded with the King on 15th November 1841.

The intercourse of the British Government with Menilek, the present King, has been limited to the exchange of friendly letters and presents.

No. LXXVII.

COMMERCIAL TREATY entered into between SULTAN MAHOMED BIN MOHUMMED, of TAJOWRA and CAPTAIN ROBERT MORESBY, of the INDIAN NAVY, on the part of the HONOURABLE EAST INDIA COMPANY.

It being advantageous to both parties to enter into a Treaty of peace and commerce, and that a mutual good understanding should exist between each other, more especially so, since Aden has become a British port, we, Sultan Mahomed bin Mohummed and Captain Robert Moresby, of the Indian Navy, (being fully authorized so to do,) agree to the following capitulations and Articles:—

ARTICLE 1.

That friendship and peace shall be lasting between the State of Tajowra and its dependencies and the British Government.

ARTICLE 2.

That the English nation, and all vessels lawfully sailing under the British flag, having merchandise of any description on board, shall be respected and permitted, without the slightest prejudice or molestation to their persons or effects, to enter and trade in the port of, and all ports under the Government of Tajowra, paying a duty of five per cent. upon all produce. The subjects of the Sultan of Tajowra shall also be permitted the same privileges at all British ports.

ARTICLE 3.

The port of Tajowra and the adjacent ports, under the Government of Sultan Mahomed bin Mohummed, are to be open for the introduction and reception of all goods brought in ships or vessels lawfully trading under the British flag; further, the Sultan of Tajowra will endeavour all in his power to introduce British produce into the interior States of Eiffatt, Shoa, and Abyssinia, and in return the authorities at Aden will endeavour to encourage interior export trade through Tajowra.

ARTICLE 4.

Sultan Mahomed bin Mohummed, of Tajowra, engages at all times to respect and regard the friendly advice of any authorized person belonging to the British Government, and agrees not to enter into any other Treaty or Bond with any other European nation or person without, in the first instance, bringing the subject to the notice of the Government authorities at Aden, so that the same may in no ways prove detrimental to his friends, the English, or their commerce. In return for these conditions, the British Government will observe the interests of the State of Tajowra, and do all in their power assist in improving their commercial resources.

ARTICLE 5.

Any subject of either power having committed crime or offence is to receive sentence awarded by their own Laws and Regulations.

ARTICLE 6.

Sultan Mahomed bin Mohummed, of Tajowra, engages to protect and respect any British subject residing in his territories, provided the sanction of his Government be previously obtained, the British guaranteeing the same privilege to the people of Tajowra and its dependencies.

ARTICLE 7.

In entering into any Bond or Treaty, or trading with either European or other powers, Sultan Mahomed bin Mohummed engages that no Bond or Treaty shall be acceded to or acquiesced in by him which will, either at the present or at any future period, prove detrimental or injurious to the interests of the British, either in a political or commercial point of view, and in return for such agreement, the English promise that they will act in no manner which may have an evil tendency towards the States of Tajowra.

ARTICLE 8.

We, Sultan Mahomed bin Mohummed and Captain Robert Moresby, of the Indian Navy, having met, and being mutually satisfied with each others powers, have ratified the above Articles for the benefit of both powers.

In witness whereof we, this 19*th day of August, in the year of our Lord one thousand eight hundred and forty, corresponding with the* 22*nd day of Jemmadi-el-Akhar, in the year of the Hegira one thousand two hundred and fifty-six, have attached our seals and signatures.*

TRANSLATION of the DEED of SALE of the ISLAND called MUSSA, granted by SULTAN MAHOMED BIN MOHUMMED to the BRITISH GOVERNMENT.

In the name of the Most Merciful God!

The virtue of this writing is, that I, Sultan Mahomed bin Mohummed, Governor of Tajowra, I, for myself and posterity, bargained and granted the Island called "Mussa" to the British Government for ten bags of rice. I agreed to and sold the said Island for the said quantity of rice, and it is belonging and pertaining to British Government. In the presence of the undersigned witnesses, and God is also witness between us, this 22nd Jemmadi-el-Akhar, in the year one thousand two hundred and fifty-six (1256) Hegira, or 19th day of August 1840.

(Sd.) SULTAN MAHOMED BIN MOHUMMED.

Witnesses:

(Sd.) BEMTHA EBEN MAHOMED, *Minister.*

" ABOOBACKER MURJAN.

" SHOMAKEE BIN ALI.

" HAJEE ABDOOL RUSSOOL,
British Agent at Mocha.

" ROBERT MORESBY, *Captain I. N.,*
Commanding H. C.'s Steam Frigate "Sesostris."

The 19*th August* 1840.

No. LXXVIII.

COMMERCIAL TREATY entered into between SYUD MAHOMED BAR, GOVERNOR of ZAILA, for himself and posterity, and CAPTAIN MORESBY, of the INDIAN NAVY, on the part of the HONOURABLE EAST INDIA COMPANY.

It being advantageous to both parties to enter into a Treaty of peace and commerce, and that lasting friendship and good will should exist between each other, we, Syud Mahomed Bar, Governor of Zaila, and Captain Robert Moresby, of the Indian Navy, on account of the Honourable East India Company being fully authorized to do so, agree to the following capitulations and Articles:—

ARTICLE 1.

That the English nation and all vessels, ships and boats lawfully sailing under the British flag, commanded by European or Native subjects of the English, having merchandize of any description, shall be respected and permitted, without the slightest prejudice or molestation to their persons or effects, to enter and trade in the port of Zaila and all other ports under the Governor of Zaila, paying a duty of 5 per cent. upon all produce. The subjects of the Governor of Zaila shall also pay the same duty in all English ports.

ARTICLE 2.

The Governor of Zaila will endeavour all in his power to introduce British property and merchandize into the interior State of Zaila, and engages at all times to protect, respect and regard the person or persons of English and their subjects and friendly advice of any authorized person or Agent belonging to the British Government, who while at Zaila to be respected and regarded. The English on their part allow the same to be done in their port of Aden, or elsewhere, and to assist the trade from Zaila.

ARTICLE 3.

The Governor of Zaila engages not to enter into any Treaty or Bond with any other European nation or person, or allow other Europeans to settle in his territories, or pass through in any numbers, without bringing the subject, in the first instance, to the notice of the British Government at Aden, so that the same may be in no manner detrimental to his friends the English or their commerce, in return for which the English will do all in their power to assist the Governor of Zaila in improving his commercial resources.

ARTICLE 4.

Any subjects of either power having committed crime or offence are to be punished by their own laws and customs of the countries they belong to.

ARTICLE 5.

Syud Mahomed Bar makes over the Island called Aubad near Zaila to the English Government for the harbour of their ships and vessels without any prohibition whatever.

We, Syud Mahomed Bar, Governor of Zaila, and Captain Robert Moresby of the Indian Navy, on the part of the English Government of India, do ratify and agree to keep faithfully the above Articles that peace and friendship may be lasting between us: In witness whereof we have set our names and seals.

(Sd.) R. MORESBY, *Captain,*
Commanding H. C.'s Steam Frigate "Sesostris."

MOKHA,
The 3rd September 1840.

No. LXXIX.

ARTICLES of FRIENDSHIP and COMMERCE made between J. J. GORDON BREMER, ESQ., C.B., CAPTAIN of HIS BRITANNIC MAJESTY'S SHIP *Tamar*, representing the ENGLISH NATION in NORTHERN AFRICA, and the SHEIKS of the TRIBE of HABR OWUL.

ARTICLE 1.

It is agreed that from henceforth there shall be peace and friendship between the subjects of His Majesty the King of England and the Sheikhs of the Habr Owul tribe and their men, and all other inhabitants of the coast of Africa over which they have authority and influence.

ARTICLE 2.

It is agreed that any vessels bearing the English flag which may come to the port of Berbera, (or any other port under the authority of the Sheikhs of the Habr Owul tribe,) for the purpose of trade shall not be molested or injured, but shall receive every protection and support from the said Sheiks, that they shall be at liberty to enter into any trade they may think fit to choose, and that they shall be at liberty to depart from the said port at their pleasure without impediment, injury, or molestation.

ARTICLE 3.

It is agreed that in like manner any vessels or persons belonging to the said Sheiks of Habr Owul tribe which shall come into any port belonging to His Majesty the King of England shall receive protection and support, and be treated in all respects the same as other vessels or persons trading to those ports.

ARTICLE 4.

It is agreed that as an equivalent for the value of the British Brig *Marianne* and her cargo, which was plundered in the port of Berbera, there shall be paid by the said Sheiks of the Habr Owul tribe to the said Captain J. J. Gordon Bremer, C.B., or to some person duly authorized by him to receive it, the sum of fifteen thousand Spanish Dollars, or produce to the same amount, in three equal payments, that is to say, five thousand Dollars, or produce to that amount, this year 1827 and of the Hegira 1242, and the same sum in each of the two following years, that is to say, on or before the conclusion of the trading season in the month of April, or two hundredth day of the Nowroz.

ARTICLE 5.

Two Lascars belonging to the British Brig *Marianne* having been killed when the said vessel was plundered and destroyed, the Sheiks of the Habr Owul tribe do hereby agree to pay the sum of
Dollars for the support of the families of the murdered men, according to the Mahomedan law in such cases.

Confirmed and sealed at Berbera, in Africa, on the 6th day of February in the year of our Lord Jesus Christ 1827 *and of the Hegira* 242, *the* 19*th day of the moon Rujub.*

(Sd.) J. J. GORDON BREMER, M. E. BAGNOLD, L. S.

Witness: *Poltl. Agent, Witness.*

SHURMARKAY ALI SAULEH.

(Signed) by Ismail Gella for himself, and Omar Kadim Hussin Ban and Ismail Goled, Sheiks of Habr Owul tribe.

Approved by the Bombay Government on 10th May 1827.

No. LXXX.

ARTICLES of PEACE and FRIENDSHIP concluded between the HABR OWUL TRIBE of SOMALEES on the one part, and BRIGADIER WILLIAM MARCUS COGHLAN, POLITICAL RESIDENT at ADEN, on behalf of the HONOURABLE EAST INDIA COMPANY, on the other.

Whereas on the 19th of April 1855, corresponding with the 1st of Shaban 1271, a treacherous attack and murder was perpetrated at the port of Berbera by a party of the Habr Owul tribe upon a party of British Officers

about to travel in that country, with the consent and under the protection of the elders of the tribe, in consequence of which outrage certain demands were made by the Government of India and enforced by a blockade of the Habr Owul coast, and whereas it has become apparent that the said tribe has fulfilled those conditions to the utmost of its ability and has prayed to be relieved from the blockade: Therefore it is agreed—

ARTICLE 1.

That the elders of the Habr Owul will use their best endeavours to deliver up Ou-Ali, the murderer of Lieutenant Stroyan.

ARTICLE 2.

That until this be accomplished, the sub-tribe Esa Moosa, which now shelters, and any other tribe which may hereafter shelter, harbour, or protect him, the said Ou Ali shall be debarred from coming to Aden.

ARTICLE 3.

That all vessels sailing under the British flag shall have free permission to trade at the port of Berbera, or at any other place in the territories of the Harbr Owul, and that all British subjects shall enjoy perfect safety in every part of the said territories, and shall be permitted to trade or travel there under the protection of the elders of the tribe. In like manner shall the members of the Habr Owul tribe enjoy similar privileges at Aden or any other part of the British possessions.

ARTICLE 4.

The traffic in slaves throughout the Habr Owul territories, including the port of Berbera, shall cease for ever, and any slave or slaves who, contrary to this engagement, shall be introduced into the said territories shall be delivered up to the British, and the Commander of any vessel of Her Majesty's or the Honourable East India Company's Navy shall have the power of demanding the surrender of such slave or slaves, and of supporting the demand by force of arms if necessary.

ARTICLE 5.

The Political Resident at Aden shall have the power to send an Agent to reside at Berbera during the season of the fair, should he deem such a course necessary, to see that the provisions of this Agreement are observed, and such Agent shall be treated with the respect and consideration due to the representative of the British Government.

ARTICLE 6.

That on a solemn promise being given by the elders of the Habr Owul faithfully to abide by the Articles of this Agreement and to cause

the rest of the tribe to do so likewise, and to deliver up to the Political Resident at Aden any party who may violate it, the blockade of the Habr Owul coast shall be raised, and perpetual friendship shall exist between the British and the Habr Owul.

Done at Berbera this seventh day of November one thousand eight hundred and fifty-six of the Christian era, corresponding with the eighth day of Rubee-ool-Awul one thousand two hundred and seventy-two of the Hegira.

Mark.	(1.)	MAHOMED ARRALEH,	*Ayal Yoonus.*
„	(2.)	AHMED ALI BOOKERI	
„	(3.)	NOOR FARRAH,	
„	(4.)	AHMED GHALID,	*Ayal Ahmed.*
„	(5.)	MAHOMED WAIS,	
„	(6.)	MUGGAN MAHOMED,	
„	(7.)	ROBBLIE HASSAH,	*Makahil.*
„	(8.)	ATEYAH HILDER.	
„	(9.)	FARRAH BENIN,	
„	(10.)	AWADTH SHERMARKI,	...*Ayal Hamood.*

Signed in my presence at Berbera on the 7th November 1856.

(Sd.) R. L. PLAYFAIR,
Assistant Political Resident, Aden.

(Sd.) W. M. COGHLAN,
Political Resident.
Aden, 9th November 1856.

Ratified by the Right Honourable the Governor General in Council, at Fort William, this twenty-third day of January 1857.

(Sd.) CANNING.
„ GEO. ANSON.
„ J. DORIN.
„ J. LOW.
„ J. P. GRANT.
„ B. PEACOCK.

By order,

(Sd.) G. F. EDMONSTONE,
Secretary to the Government of India.

No. LXXXI.

ENGAGEMENT concluded between LIEUTENANT-COLONEL W. L. MEREWETHER, C.B., POLITICAL RESIDENT, ADEN, and SULTAN MAHMOOD BIN YOOSOOF, CHIEF of the MEJERTEYN TRIBE of SOMALIS and ELDERS of the said tribe.

Influenced by motives of humanity and by a desire to conform to the principles on which the great English Government is conducted, we lend a willing ear to the proposals of our friend, Lieutenant-Colonel William Lockyer Merewether, C.B., Political Resident at Aden, that we should covenant with him and each other to abolish and prohibit the exportation of slaves from any one part of Africa to any other place in Africa or Asia or elsewhere under our authority. We whose names and seals are set to this bond, as therefore in the sight of God and of men, solemnly proclaim our intention to prohibit the exportation of slaves from Africa by every means in our power: we will export none ourselves, nor permit our subjects to do so, and any vessel found carrying slaves shall be seized and confiscated and the slaves shall be released.

Signed this twentieth day of February one thousand eight hundred and sixty-six (4th of the month Shawal 1282) at Bunder Mareea.

(Sd.) SULTAN MAHMOOD YOOSOOF.

Witness to the above.

(Sd.) MOOSA BIN YOOSOOF OTHMAN.
„ SAMUNTER OTHMAN.
„ AIDROOS MAHMOOD.

(Sd.) W. L. MEREWETHER, *Lieut.-Col.*,
Political Resident, Aden.

Approved and confirmed by His Excellency the Viceroy and Governor General in Council, the 16th May 1866.

No. LXXXII.

TREATY of AMITY and COMMERCE made and concluded between HIS MAJESTY SAHELA SELASSIE, KING of SHOA, EFAT and the GALLA, on the one part, and CAPTAIN WILLIAM CORNWALLIS HARRIS, under the authority of HIS EXCELLENCY the GOVERNOR of BOMBAY, in the name and on the behalf of HER MOST GRACIOUS MAJESTY VICTORIA, QUEEN of GREAT BRITAIN, IRELAND, and the INDIES, on the other part.

Whereas commerce is a source of great wealth and prosperity to all those nations who are firmly united in the bonds of reciprocal friendship, and whereas the conclusion of a Treaty of perpetual amity and commerce betwixt Shoa and Great Britain, which has already been desired by their respective Sovereigns, would tend to the mutual advantage of both nations, and whereas tokens of amity and good will have been mutually exchanged between His Majesty of Shoa and Her Britannic Majesty, and whereas it is desirable that the Articles and conditions should be specified, whereupon the desired commercial intercourse betwixt the two nations should be conducted: Now it is hereby declared, done, and agreed as follows:—

ARTICLE 1.

That a firm, free, and lasting friendship shall subsist between His Majesty Sahela Selassie, King of Shoa, Efat, and the Galla, and His lineal successors, and between Her Most Gracious Majesty Victoria, Queen of Great Britain, Ireland, and India, and Her lineal successors.

ARTICLE 2.

That for the purpose of preserving and maintaining the friendly relations subsisting between the two nations, His Majesty of Shoa and His lineal successors shall receive and cherish any ambassador or envoy whom her Britannic Majesty and Her lineal successors may see fit to appoint, and shall preserve inviolate all his peculiar rights and privileges.

ARTICLE 3.

That for the like purpose, Her Britannic Majesty and Her lineal successors shall in the same manner receive and cherish any ambassador or envoy whom His Majesty of Shoa and His lineal successors may see fit to appoint, and shall equally preserve inviolate all His peculiar rights and privileges.

ARTICLE 4.

That under the following conditions a commercial intercourse be allowed and encouraged betwixt the subjects of Shoa and the countries beyond that kingdom and the subjects of Great Britain.

ARTICLE 5.

That an import duty of five per cent. and no more shall be levied and received by His Majesty of Shoa and His lineal successors upon all British

goods and merchandize imported into the kingdom, whether for sale therein or in the countries beyond.

ARTICLE. 6.

That this import duty of five per cent. shall be assessed upon the current value of the merchandize at the market place of Alio Amba, and shall be paid either in kind or in specie at the option of the merchant.

ARTICLE 7.

That the said import duty having been first duly discharged, the merchant shall be at full liberty either to dispose of his goods within the territories of Shoa, without prohibition to the buyer, or to convey them elsewhere without restraint or molestation.

ARTICLE 8.

That British merchants shall be at liberty to purchase within the territories of Shoa all such commodities as they may think proper, whether the produce of those territories, or imported from the countries beyond them, and export the same without the payment of any duty whatsoever.

ARTICLE 9.

That the goods and merchandize of all subjects of Shoa who may visit Great Britain shall in like manner be liable to no greater duties than are already levied, or may hereafter be levied, upon the immediate subjects of Great Britain.

ARTICLE 10.

That in view to the augmentation and promotion of commerce between Shoa and Great Britain His Majesty of Shoa and His lineal successors shall encourage all merchants to bring the produce of the interior of Africa through the dominions of Shoa, and especially such articles as are best suited to the British market.

ARTICLE 11.

That with a like view, Her Britannic Majesty and Her lineal successors will encourage British merchants to import into Shoa such articles as will prove most acceptable within the same.

ARTICLE 12.

That for the better security of merchants and their property, His Majesty of Shoa and His lineal successors, and Her Britannic Majesty and Her lineal successors, will, respectively, to the utmost of their power, endeavour to keep open and secure the avenues of approach betwixt the sea coast and Abyssinia.

ARTICLE 13.

That with a view to the promotion and encouragement of reciprocal intercourse between the respective subjects of the two nations, no hinderance or molestation be offered to British travellers, whether residing within the territories of Shoa, or visiting the countries beyond.

ARTICLE 14.

That the effects of such travellers, not intended for sale, shall be liable to no duty of any sort, and shall in every respect be held personal and inviolable.

ARTICLE 15.

That in like manner, no subject of Shoa shall meet with any hinderance or obstruction whilst residing in any part of the dominions of Her Most Gracious Majesty Queen Victoria, nor shall he be prevented from proceeding beyond them at pleasure.

ARTICLE 16.

And, lastly, that a strict reciprocal observance of all the foregoing Articles and conditions shall be regarded as a proof of the continued desire on the part of both the contracting Sovereigns for a lasting and permanent friendship.

Made and concluded at Angollallah, the capital of the kingdom of Shoa, on the tenth day of the month Hedar one thousand eight hundred and thirty-four of the Abyssinian æra, corresponding with the sixteenth day of November, in the year of our Lord one thousand eight hundred and forty-one being the twenty-ninth of the reign of His Majesty Sahela Selassie and the fifth of Her Majesty Queen Victoria.

(Sd.) W. C. HARRIS.

(Sd.) SAHELA SELASSIE.

Who is King of Shoa, Efat and the Galla.

SOCOTRA.

THE island of Socotra lies about 150 miles off Cape Guardafui on the African coast and 500 miles from Aden. The sovereignty of the island is vested in the El Afreer family of the Mahra tribe of Arabs who inhabit Kisheen on the mainland.

The connection of the British Government with Socotra commenced in 1834, when Captain Ross of the Indian Navy was sent on a mission to Socotra and concluded an Agreement (No. LXXXIII.) with Sultan Ahmed bin Sultan of Fartash and his cousin, Sultan bin Amr of Kisheen, by which they consented to the landing and storage of coal on the island by the British Government.

In 1835 negotiations were undertaken through Commander Haines with the Chief Amr bin Tawari for the purchase of the island, and in anticipation of their success a detachment of European and native troops was sent to take possession. The Chief, however, displayed an unconquerable aversion from the sale of the island, or even from the cession of a portion of it as a coaling depôt and the troops were withdrawn.

In 1838 the Chief proposed to farm the island to the British Government, but the capture of Aden, while the proposal was under discussion, rendered it unnecessary to secure Socotra as a coaling station.

Sultan Amr bin Tawari died about 1845 and was succeeded by his nephew, Abdoollah, who did not long survive him. He was followed by Hameed bin Amr who transferred his residence to Socotra and died there a few years ago, leaving five sons. The two elder sons of Sultan Hameed bin Amr ruled in succession after the death of their father. The present Sultan Saood bin Hameed is the third son. He has two younger brothers, Salim and Isa.

In January 1876 an Agreement (No. LXXXIV.) was concluded with the Sultan of Kisheen and Socotra, by which in consideration of a payment of 3,000 dollars and an annual subsidy of 360 dollars, he bound himself, his heirs, and

successors never to cede, sell, or mortgage, or otherwise give for occupation, save to the British Government, the island of Socotra or any of its dependencies the neighbouring islands.

The area of the island of Socotra is about 1,000 square miles; its population, mostly Bedouin, about 5,000 souls. The revenues, which are collected in kind, amount to about 320 dollars.

The Sultan receives a salute of nine guns.

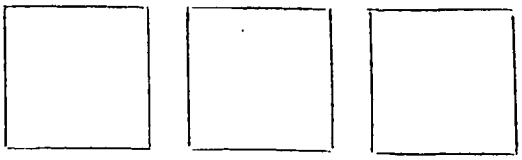
No. LXXXIII.

TRANSLATION of AGREEMENT with the SULTAN of SOCOTRA.

First the said Sultans do promise and agree to the British Government landing and storing on any part of the sea coast of the Island of Socotra any quantity of coals or other articles which may be sent now or hereafter from the British Government of India to be deposited on the Island.

Secondly, Captain Daniel Ross on the part of His Excellency the Right Honourable the Governor-General do promise that there shall be no interference with the laws and customs of the Island of Socotra or with the interior of the Island, or shall the inhabitants of such parts where the coals are deposited be ill-treated by the English vessels visiting the Island with the coals.

(Sd.) DANIEL ROSS.



(True copies.)

(Sd.) W. H. MACNAGHTEN,
Officiating Secretary.

No. LXXXIV.

TRANSLATION of AGREEMENT entered into by the SULTAN of SOCOTRA.

Praise be to God alone!

The object of writing this lawful and honorable bond is that it is hereby covenanted and agreed between Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, on the one part, and Brigadier-General John William Schneider, the Governor of Aden, on behalf of the British Government, on the other part, that the said Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, does pledge and bind himself, his heirs and successors, never to cede, to sell, to mortgage, or otherwise give for occupation, save to the British Government, the Island of Socotra or any of its dependencies—the neighbouring islands.

In consideration of the above covenant, the said Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, has received from Brigadier-General John William Schneider, the Governor of Aden, on behalf of himself, his heirs, and successors, an immediate payment of $3,000 (three thousand), and he, his heirs and successors, shall further receive from the British Government a yearly subsidy of $360 (three hundred and sixty), it being understood

that this stipend imposes on the aforesaid Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, his heirs and successors, the obligation of rendering assistance to any vessel, whether belonging to the British or any other nation, that may be wrecked on the Island of Socotra, or on its dependencies—the neighbouring islands, and of protecting the crew, the passengers, and the cargo thereof, for which acts of friendship and good will towards the British Government a suitable reward will also be given to Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, and to his heirs and successors after him.

In token of the conclusion of this lawful and honorable bond Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, and Brigadier-General John William Schneider, the Governor of Aden, the former for himself, his heirs and successors, and the latter on behalf of the British Government, do each, in the presence of witnesses, affix their signatures on this twenty-sixth day of Zilhujjeh (A.H.) 1292, corresponding with the 23rd day of January (A.D.) 1876.

(Signature in Vernacular.)

(Sd.) J. W. SCHNEIDER, *Brigr.-Genl.,*
Political Resident, Governor of Aden.

Witnessed by—

(Signature in Vernacular.)

In the presence of—

(Sd.) LINDSAY BRINE,
Captain of H. Majesty's Ship "Briton."

(Sd.) SALEH JAFFER,
Interpreter to the Resident,
On board, H. M.'s Ship "Briton,"
off Kisheen.

23*rd January* 1876.

(Sd.) NORTHBROOK,
Viceroy and Governor-General of India.

Ratified by His Excellency the Viceroy and Governor-General of India at Calcutta on the first day of March 1876.

(Sd.) T. H. THORNTON,
Offg. Secy. to the Govt. of India.

ZANZIBAR.

The island of Zanzibar and the greater part of the eastern coast of Africa were conquered by the Portuguese in the beginning of the sixteenth century. Driven to despair by the tyranny of their rulers, the inhabitants of Mombassa, in 1698, invited the assistance of the Imam of Muscat, who expelled the Portuguese and put many of them to the sword. It was not till 1784, however, in the time of Ahmed bin Saeed, that the Muscat Arabs established a permanent footing in the island of Zanzibar, and even for many years afterwards till the accession of Syud Saeed in 1807 the subjection of Zanzibar was little more than nominal.

In 1746 the people of Mombassa threw off allegiance to Muscat, elected Sheikh Ahmed as their Sultan, and maintained their independence till 1823, when fearing the aggression of Syud Saeed, Suleiman bin Ali El-Mazrui, the Sultan of Mombassa, with the consent of the people, put himself under British protection. On 7th February 1824 a Convention was concluded with him, by which the port of Mombassa and its dependencies, including the island of Pemba and the coast between Melinda and the river Pangani, were placed under the protectorate of Great Britain. This engagement, however, was not ratified and in 1828 the ruler of Muscat sent a force against Mombassa which surrendered to him.

The Zanzibar dominions extend from Toonger, the frontier of the Portuguese territory south of Cape Delgado, about 660 miles northward along the coast. In 1844 Syud Saeed of Muscat appointed his son, Syud Khalid, as his deputy and successor in Zanzibar, and his son, Syud Thoweynee, in Muscat. Syud Khalid died in 1854, and Syud Saeed appointed a younger son, Syud Majid, to succeed him.

On the death of Syud Saeed in 1856, his successor, Syud Thoweynee, laid claim to Zanzibar. He concluded an engagement, however, with his brother, Syud Majid, by which the latter was left in possession of the African dominions, subject to an annual payment of 40,000 crowns. A dispute soon arose regarding the nature of this payment and whether it implied the dependence of Zanzibar on Muscat. War was threatened, but both parties were persuaded to refer the question to the arbitration of the Governor-General of India and

to abide by his decision. A Commission was appointed to investigate the case. On the evidence obtained by this Commission, Lord Canning gave an award (No. LXXXV.), to which both parties agreed, *viz.*, that Syud Majid should be declared ruler of Zanzibar and the African dominions of the late Syud Saeed and be subject to an annual payment, with arrears, of 40,000 crowns in perpetuity to Muscat, which payment was not to be considered as implying the dependence of Zanzibar on Muscat.

On the death of Syud Thoweynee and succession of Syud Salim in 1866 (see Muscat, p. 77), Sultan Majid protested against the continuance of the subsidy on the ground that the engagement was personal to Syud Thoweynee, and that Syud Salim as a parricide could not legally succeed his father. These arguments were untenable: the former because by the terms of the award each successor of Syud Thoweynee was entitled to claim the subsidy from Zanzibar, and the latter because Syud Salim was *de facto* ruler of Muscat and had been recognized as such by the British Government. Syud Majid was therefore required to pay up the subsidy with arrears; this he expressed his willingness to do through the medium of the British Government. Accordingly in May 1868 the arrears due to Muscat were paid into the Bombay treasury, and made over to Syud Salim after deducting the sums advanced to him in anticipation of the payment of the subsidy.

Syud Majid died in October 1870 and was succeeded by his brother, Syud Burghash, the present Sultan of Zanzibar. In 1859 Syud Burghash had openly rebelled against his brother, to whom the aid of British troops was given. He then surrendered and entered into a formal agreement with Syud Majid to quit Zanzibar, not to plot against him, and always to act according to the advice of the British Government. After some delay, during which he again endeavoured to resist his brother's authority, Syud Burghash proceeded to Bombay. He was subsequently permitted by Syud Majid to return to Zanzibar and remained there without attempting to weaken his brother's authority, though the latter steadily refused to be reconciled to him, until his accession to power.

By the arrangement now in force the payment of the subsidy to Syud Toorkee, the present ruler of Muscat, is guaranteed by the British Government, but the Sultan of Zanzibar has not been formally relieved of the obligation imposed upon him by Lord Canning's award.

The Sultan of Zanzibar is of course bound by those Articles of the Treaties concluded with his late father which refer to Zanzibar. There was no Treaty prohibition regarding the transport of slaves from port to port in the Zanzibar dominions, but in 1863 Syud Majid made two concessions, by the first of which he prohibited the transport of slaves from one port in his dominions to another during the slave season, that is, from 1st January to 30th April in each year, and by the second gave authority to British cruisers to seize any slave carrying vessels unprovided with a custom house manifest, or having on board any slaves in excess of the number stated in the manifest.

In spite of the efforts which Syud Majid had made by the issue of stringent rules and threats of confiscating the vessels of the northern Arabs who visited Zanzibar for the purpose of exporting slaves to the Persian Gulf and Arabia, to check this nefarious traffic, large numbers of slaves continued to be carried off from the east coast of Africa. As therefore the existing Treaty provisions with the Sultan of Zanzibar for the suppression of the export trade in slaves were found to be insufficient for the attainment of the objects with which these engagements were framed, Sir Bartle Frere was deputed in 1872 as Her Majesty's special envoy with full powers to conclude such arrangements as might be necessary for the effectual suppression of the exportation of slaves from the dominions of the Sultan. Syud Burghash after some discussion signed the Treaty (No. LXXXVI.) on the 5th June 1873. Some doubts having arisen as to the interpretation of Article 1 of this Treaty, advantage was taken of the Sultan's presence in London in July 1875 to remove them by a supplementary Treaty (No. LXXXVII.) declaratory of the intentions of the parties.

In April 1876 the Sultan issued Proclamations (Nos. LXXXVIII. and LXXXIX.) prohibiting the conveyance of slaves by land under any conditions, the arrival of slave caravans from the interior, and the fitting out of slave-hunting expeditions by his subjects.

There is a Political Agent and Consul-General at Zanzibar who is also Consul for the Comoro Islands. As Political Agent he has the powers of a Justice of the Peace and Magistrate of the 1st class, and in cases coming under the slavery sections of the Indian Penal Code those of a Deputy Commissioner under Section 36 of the Criminal Procedure Code. As Consul-General his jurisdiction is defined by the Order in Council * of 9th

* See Appendix No. VIII.

August 1866. The Assistant Political Agent at Zanzibar having also been appointed British Vice-Consul has similar powers under the Order in Council.

There is a large Indian community at Zanzibar composed chiefly of Bhattias, Khojas, Bohras, and Memons, who practically monopolize the export coast trade. The whole of these Indian residents with a few exceptions have a claim to British protection and are amenable to British jurisdiction. The number settled in Zanzibar itself may be estimated at 2,900, those living on the mainland at 1,300 souls. The revenue of the Sultan is almost entirely derived from the customs duties which are farmed at present to a Bombay firm for an annual payment of three lakhs of dollars.

Commercial Treaties were concluded by Syud Saeed as ruler of Muscat and Zanzibar with America * in 1833, and with France † in 1844. A commercial Treaty was also concluded by Syud Majid with the Hanseatic Republics ‡ in 1859.

* See Appendix No. IX. † See Appendix No. X. ‡ See Appendix No. XI.

No. LXXXV.

LETTER to HIS HIGHNESS SYUD MAJEED BIN SAEED of ZANZIBAR.

Beloved and Esteemed Friend,—I address your Highness on the subject of the unhappy differences which have arisen between yourself and your Highness' brother the Imam of Muscat, and for the settlement of which your Highness has engaged to accept the arbitration of the Viceroy and Governor General of India.

Having regard to the friendly relations which have always existed between the Government of Her Majesty the Queen and the Government of Oman and Zanzibar, and desiring to prevent war between kinsmen, I accepted the charge of arbitration between you, and in order to obtain the fullest knowledge of all the points in dispute, I directed the Government of Bombay to send an Officer to Muscat and Zanzibar to make the necessary enquiries. Brigadier Coghlan was selected for this purpose, an Officer in whose judgment, intelligence, and impartiality the Government of India reposes the utmost confidence.

Brigadier Coghlan has submitted a full and clear report of all the questions at issue between your Highness and your brother.

I have given my most careful attention to each of these questions.

The terms of my decision are as follows:—

1*st*.—That His Highness Syud Majeed be declared ruler of Zanzibar and the African dominions of his late Highness Syud Saeed.

2*nd*.—That the ruler of Zanzibar pay annually to the ruler of Muscat a subsidy of 40,000 crowns.

3*rd*.—That His Highness Syud Majeed pay to His Highness Syud Thowaynee the arrears of subsidy for two years or 80,000 crowns.

I am satisfied that these terms are just and honourable to both of you; and as you have deliberately and solemnly accepted my arbitration, I shall expect that you will cheerfully and faithfully abide by them, and that they will be carried out without unnecessary delay.

The annual payment of 40,000 crowns is not to be understood as a recognition of the dependence of Zanzibar upon Muscat, neither is it to be considered as merely personal between your Highness and your brother Syud Thowaynee. It is to extend to your respective successors, and is to be held to be a final and permanent arrangement, compensating the ruler of Muscat for the abandonment of all claims upon Zanzibar and adjusting the inequality between the two inheritances derived from your father, His late Highness Syud Saeed, the venerated friend of the British Government, which two inheritances are to be henceforward distinct and separate.

I am,
Your Highness'
Sincere friend and well wisher,
(Sd.) CANNING

FORT WILLIAM,
The 2nd April 1861.

TRANSLATION of an Arabic letter from HIS HIGHNESS SYUD MAJEED BIN SAEED, SULTAN of ZANZIBAR, to LIEUTENANT-COLONEL C. P. RIGBY, HER MAJESTY'S CONSUL at ZANZIBAR, dated Zanzibar, the 19th day of the month of Zilhej, in the year 1277, Hegira, corresponding to the 29th June 1861.

After compliments,—I desire to inform you that I have been very much gratified by the receipt of the letters from His Lordship the Governor General of India and His Excellency the Governor of Bombay, conveying to me the intelligence of the settlement of the disputes which existed between myself and my brother Thowaynee bin Saeed. And, regarding the decision, that I shall pay to my brother Thowaynee the sum of 40,000 crowns annually, and also the sum of 80,000 crowns on account of arrears for two years, I agree to pay these sums, and I accept and am satisfied with the terms of the decision, and they are binding on me, and it is the desire of the British Government (Javab el Sircar) that each of us, that is, myself and my brother Thowaynee, shall be independent of each other in his own dominions and Sultan over his own subjects, that is to say, that Zanzibar and the Islands (Pemba and Monfea), and the dominions on the continent of Africa dependent upon it, shall be subject to me, and that Muscat and its dependencies, with the land of Oman, shall be subject to my brother Thowaynee bin Saeed, and that we should dwell in peace and friendly alliance the one with the other, as is customary between brothers. I pray that it may be so, if it please God. I feel very much obliged to the British Government for all its kindness and favour, and for having averted from my dominions disorders and hostilities. During my life-time I shall never forget the kindness which it has shown to me. And now what I desire from you is this, that you will mention to His Lordship the Governor General of India that he should kindly determine that the payment of the 40,000 crowns per annum to my brother Thowaynee shall be settled as follows, *viz.*, that 20,000 crowns shall be due and payable each year at the "Mousim," (about April, when the south-west monsoon sets in,) and that the other 20,000 crowns shall be due and payable each year at the "Damam," (about September, October, when the annual accounts are made up, and the revenue from the customs is paid,) in like manner as I before agreed to do when I made the arrangement, through my cousin Mahomed bin Salim, to pay 40,000 crowns annually to Muscat.

And respecting the 80,000 crowns, arrears for two years, that it shall be paid as soon as I can possibly do so.

This I desire, in order that there may be no ground of dispute hereafter.

This is what I wish for from the friendship of the Government.

And for whatsoever you may desire from me the sign is with you.

From the confiding slave in God's mercy, Majeed bin Saeed.

Written on the 19th day of the month of Zilhej, in the year 1277 of the Hegira, corresponding to the 29th June A.D. 1861.

From the SULTAN of ZANZIBAR, to the RIGHT HONOURABLE the GOVERNOR GENERAL, dated Zilhej A.H. 1267, corresponding with 25th June 1861.

After usual compliments,—My chief object in addressing this friendly letter to your Excellency is to enquire after your health. May the Almighty always protect your Excellency from all evils. As to myself, who am under great obligations to your Excellency, I beg to state that by the grace of God, and under your auspices, I am in the enjoyment of good health. I offer my prayers to the Almighty for your long life and for the destruction of your enemies. Your Excellency's kind letter reached me at an auspicious time, and I have become fully acquainted with its contents. When I referred to your Excellency for settlement the dispute which long existed between myself and my brother Syud Thowaynee bin Saeed, I made up my mind to act up to any award which you might pass on the case. I agree, as directed by your Excellency, to pay to my said brother the sum of 40,000 crowns annually, and 80,000 crowns on account of arrears for the last two years.

Considering me as a sincere friend, your Excellency will not, I hope, forget me, and I will cheerfully execute any commissions which shall be entrusted to me by your Excellency.

To HIS HIGHNESS SYUD BIN SAEED, SULTAN of ZANZIBAR.

Beloved and Esteemed Friend,—I have received with much satisfaction your friendly letter dated 15th Zilhej A. H. 1277. I am gratified to learn that my award for the settlement of the disputes which long existed between yourself and your brother Syud Thowaynee bin Saeed, the ruler of Muscat, has given satisfaction to your Highness.

The terms of the arbitration will be fulfilled if the sum of 40,000 crowns, payable to your brother annually, be paid by two instalments, *viz.*, the first at the Mousim and the second at the Damam.

I beg to express the high consideration I entertain of your Highness, and to subscribe myself.

Your Highness' sincere friend,

The 22nd August 1861. (Sd.) CANNING.

No. LXXXVI.

TREATY between HER MAJESTY and the SULTAN of ZANZIBAR for the suppression of the SLAVE TRADE.

Signed at Zanzibar, June 5th, 1873.

In the Name of the Most High God.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness the Seyyid Barghash-bin-Said, Sultan of Zanzibar,

being desirous to give more complete effect to the engagements entered into by the Sultan and his predecessors for the perpetual abolition of the Slave Trade, they have appointed as their Representatives to conclude a new Treaty for this purpose, which shall be binding upon themselves, their heirs and successors, that is to say, Her Majesty the Queen of Great Britain and Ireland has appointed to that end John Kirk, the Agent of the English Government at Zanzibar; and His Highness the Seyyid Barghash, the Sultan of Zanzibar, has appointed to that end Nasir-bin-Said, and the two aforenamed, after having communicated to each other their respective full powers have agreed upon and concluded the following Articles:—

ARTICLE I.

The provisions of the existing Treaties having proved ineffectual for preventing the export of slaves from the territories of the Sultan of Zanzibar in Africa, Her Majesty the Queen and His Highness the Sultan above named agree that from this date the export of slaves from the coast of the mainland of Africa, whether destined for transport from one part of the Sultan's dominions to another or for conveyance to foreign parts, shall entirely cease. And His Highness the Sultan binds himself, to the best of his ability, to make an effectual arrangement throughout his dominions to prevent and abolish the same. And any vessel engaged in the transport or conveyance of slaves after this date shall be liable to seizure and condemnation by all such Naval or other Officers or Agents and such Courts as may be authorized for that purpose on the part of Her Majesty.

ARTICLE II.

His Highness the Sultan engages that all public markets in his dominions for the buying and selling of imported slaves shall be entirely closed.

ARTICLE III.

His Highness the Sultan above named engages to protect, to the utmost of his ability, all liberated slaves, and to punish severely any attempt to molest them or to reduce them again to slavery.

ARTICLE IV.

Her Britannic Majesty engages that natives of Indian States under British protection shall be prohibited from possessing slaves, and from acquiring any fresh slaves in the meantime, from this date.

ARTICLE V.

The present Treaty shall be ratified, and the ratifications shall be exchanged, at Zanzibar, as soon as possible, but in any case in the course of the 9th of Rabia-el-Akhir [5th of June, 1873] of the months of the date hereof.*

* The Sultan of Zanzibar's Ratification was attached to the original Treaty. That of Her Majesty was delivered to the Sultan in September 1873.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed their seals to this Treaty, made the 5th of June 1873, corresponding to the 9th of the month Rabia-el-Akhir, 1290.

(Sd.) JOHN KIRK,
Political Agent, Zanzibar.

The mean in God's sight,
(Sd.) NASIR-BIN-SAID-BIN-ABDALLAH,
With his own hand.

The humble, the poor,
(Sd.) BARGASH-BIN-SAID,
With his own hand.

No. LXXXVII.

TREATY between HER MAJESTY and the SULTAN of ZANZIBAR, supplementary to the TREATY for the SUPPRESSION of the SLAVE-TRADE of June 5th, 1873.

Signed at London, July 14th, 1875.

[*Ratifications exchanged at Zanzibar, September 20th,* 1875.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness the Seyyid Barghash-bin-Said, Sultan of Zanzibar, having concluded a Treaty of Zanzibar on the 5th June 1873, corresponding to the 9th of the month of Rabia-el-Akhir, A.H. 1290, for the abolition of the slave-trade, and whereas doubts have arisen or may arise in regard to the interpretation of that Treaty, Her Britannic Majesty and His Highness the Sultan of Zanzibar have resolved to conclude a further Treaty on this subject and have for this purpose named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Hon'ble Edward Henry, Earl of Derby, Baron Stanley of Bickerstaffe, a Peer and a Baronet of England, Her Majesty's Principal Secretary of State for Foreign Affairs, &c., &c., &c.;

And His Highness the Seyyid Barghash-bin-Said, Sultan of Zanzibar, Nasir-bin Said-bin Abdallah;

Who, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles:—

ARTICLE I.

The presence on board of a vessel of domestic slaves in attendance on or in discharge of the legitimate business of their masters, or of slaves *bonâ fide* employed in the navigation of the vessels shall in no case of itself justify the seizure and condemnation of the vessel provided that such slaves are not

detained on board against their will. If any such slaves are detained on board against their will they shall be freed, but the vessel shall, nevertheless, not on that account alone be condemned.

ARTICLE II.

All vessels found conveying slaves (other than domestic slaves in attendance on or in the discharge of the legitimate business of their masters, or slaves *bonâ fide* employed in the navigation of the vessels) to or from any part of His Highness' dominions, or of any foreign country, whether such slaves be destined for sale or not, shall be deemed guilty of carrying on the slave-trade, and may be seized by any of Her Majesty's ships of war and condemned by any British Court exercising Admiralty jurisdiction.

ARTICLE III.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Zanzibar as soon as possible.*

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done at London the fourteenth day of July, in the year of Grace One thousand eight hundred and seventy-five.

L. S. DERBY.

L. S. NASIR-BIN-SAID-ABDALLAH.

This is ratified.

L. S. BARGASH-BIN-SAID.

RATIFICATION.

We having seen and considered the Treaty aforesaid, have approved, accepted, and confirmed the same in all and every one of its articles and clauses, as we do by these presents approve, accept, confirm, and ratify it for ourselves, our heirs and successors; engaging and promising upon our Royal

* The Sultan of Zanzibar's ratification is attached to the original Treaty. That of Her Majesty was delivered to the Sultan in Zanzibar, 20th September 1875.

word that we will sincerely and faithfully perform and observe all and singular the things which are contained and expressed in the Treaty aforesaid, and that we will never suffer the same to be violated by any one or transgressed in any manner as far as it lies in our power. For the greater testimony and validity of all which, we have caused the Great Seal of our United Kingdom of Great Britain and Ireland to be affixed to these presents which we have signed with our Royal hand. Given at our Court at Osborne the twenty-fourth day of July in the year of our Lord eighteen hundred and seventy-five and in the thirty-ninth year of our reign.

(Sd.) VICTORIA R.

On the 20th September 1875 the above Ratification was given in due form to His Highness Syud Barghash at Zanzibar in exchange for His Highness' Ratification attached to the original Treaty.

(Sd.) JOHN KIRK,
Her Majesty's Agent & Consul-General.

No. LXXXVIII.

PROCLAMATION by the SULTAN of ZANZIBAR, forbidding the CONVEYANCE of SLAVES by LAND.

In the Name of God, the Merciful, the Compassionate.

Seal of H. H. Seyed Barghash.

From BARGHASH BIN SAEED BIN SULTAN.

To all whom it may concern of our friends on the mainland of Africa, the Island of Pemba, and elsewhere.

Whereas in disobedience of our orders and in violation of the terms of our treaties with Great Britain, slaves are being constantly conveyed by land from Kilwa for the purpose of being taken to the Island of Pemba. Be it known that we have determined to stop, and by this order do prohibit all conveyance of slaves by land under any conditions: and we have instructed our Governors on the coast to seize and imprison those found disobeying this order, and to confiscate their slaves.

Published the 22 of Rabea el Awal, 1293
(being equivalent to 18th April 1876.)

True translation.

(Sd.) JOHN KIRK,
H. M.'s Agent and Consul General.

No. LXXXIX.

PROCLAMATION by the SULTAN of ZANZIBAR, forbidding the ARRIVAL and FITTING out of SLAVE CARAVANS.

In the Name of God, the Merciful, the Compassionate.

Seal of H. H. Seyed Barghash.

FROM BARGHASH BIN SAEED BIN SULTAN.

To all whom it may concern of our friends on the mainland of Africa and elsewhere.

Whereas slaves are being brought down from the lands of Nyassa, of the Yao and other parts to the coast, and there sold to dealers, who take them to Pemba, against our orders and the terms of the treaties with Great Britain. Be it known that we forbid the arrival of slave caravans from the interior, and the fitting out of slave caravans by our subjects: and have given our orders to our Governors accordingly, and all slaves arriving at the coast will be confiscated.

Published the 22 of Rabea el Awal, 1293
(being equivalent to 18th April 1876.)

True translation.

(Sd.) JOHN KIRK,
H. M.'s Agent and Consul General.

APPENDICES.

TURKISH ARABIA.

APPENDIX No. I.—*Page* 1.

CAPITULATIONS AND ARTICLES OF PEACE *between Great Britain and the Ottoman Empire, as agreed upon, augmented, and altered at different periods, and finally confirmed by the Treaty of Peace concluded at the Dardanelles, in* 1809.*

SULTAN MEHEMED,

MAY HE LIVE FOR EVER!

"Let everything be observed in conformity to these Capitulations, and contrary thereto let nothing be done."

The command, under the sublime and lofty Signet, which imparts sublimity to every place, and under the imperial and noble Cypher, whose glory is renowned throughout all the world, by the Emperor and Conqueror of the earth, achieved with the assistance of the Omnipotent, and by the special grace of God, is this:

We, who by Divine grace, assistance, will, and benevolence, now are the King of Kings of the world, the Prince of Emperors of every age, the Dispenser of Crowns to Monarchs, and the Champion Sultan Mehemed, Son of Sultan Ibrahim Chan, Son of Sultan Ahmed Chan, Son of Sultan Mahomet Chan, Son of Sultan Murad Chan, Son of Sultan Selim Chan, Son of Sultan Solyman Chan, Son of Sultan Selim Chan.

The most glorious amongst the great Princes professing the faith of Jesus, and the most conspicuous amongst the Potentates of the nation of the Messiah, and the umpire of public differences that exist between Christian nations, clothed with the mantle of magnificence and majesty, Charles the Second, King of England, Scotland, France, and Ireland (whose end terminate in bliss!) having sent an Ambassador to the Sublime Porte in the time of our grandfather Sultan Murad (whose tomb be ever resplendent!) of glorious memory and full of divine mercy and pity, with professions of friendship, sincerity, devotion, partiality, and benevolence, and demanding that His subjects might be at liberty to come and go into these Parts, which permission was granted to them in the reign of the Monarch aforesaid, in addition to various other special commands, to the end that on coming and going, either by land or sea, in their way, passage, and lodging, they might not experience any molestation or hindrance from any one.

* As published by the Levant Company, 1816.

He represented, in the reign of our grandfather Sultan Mehemed Chan (whose tomb be ever resplendent!), to our just and overshadowing Porte, His cordial esteem, alliance, sincere friendship, and partiality thereto. As such privilege, therefore, had been granted to the Kings and Sovereigns of France, Venice, and Poland, who profess the most profound devotion for our most eminent throne, and to others between whom and the Sublime Porte there exists a sincere amity and good understanding, so was the same, through friendship, in like manner granted to the said King; and it was granted Him that His subjects and their interpreters might safely and securely come and trade in these our sacred Dominions.

The Capitulations of sublime dignity and our noble commands having been, through friendship, thus granted to the Kings aforesaid, and the Queen of the above-mentioned Kingdoms having heretofore also sent a noble personage with presents to this victorious Porte, which is the refuge and retreat of the Kings of the world, the most exalted place, and the asylum of the Emperors of the universe (which gifts were graciously accepted), and She having earnestly implored the privilege in question, Her entreaties were acceded to, and these our high commands conceded to Her.

I. That the English nation and merchants, and all other merchants sailing under the English flag, with their ships and vessels, and merchandize of all descriptions, shall and may pass safely by sea, and go and come into our Dominions without any the least prejudice or molestation being given to their persons, property, or effects, by any person whatsoever, but that they shall be left in the undisturbed enjoyment of their privileges, and be at liberty to attend to their affairs.

II. That if any of the English coming into our Dominions by land be molested or detained, such persons shall be instantly released, without any further obstruction being given to them.

III. That English ships and vessels entering the ports and harbours of our Dominions shall and may at all times safely and securely abide and remain therein, and at their free-will and pleasure depart therefrom, without any opposition or hindrance from any one.

IV. That if it shall happen that any of their ships suffer by stress of weather, and not be provided with necessary stores and requisites, they shall be assisted by all who happen to be present, whether the crews of our imperial ships, or others, both by sea and land.

V. That being come into the ports and harbours of our Dominions, they shall and may be at liberty to purchase at their pleasure, with their own money, provisions and all other necessary articles, and to provide themselves with water without interruption or hindrance from any one.

VI. That if any of their ships be wrecked upon any of the coasts of our Dominions, all Beys, Cadis, Governors, Commandants, and others our servants, who may be near or present, shall give them all help, protection, and assistance, and restore to them whatsoever goods and effects may be driven ashore; and in the event of any plunder being committed, they shall

make diligent search and inquiry to find out the property, which, when recovered, shall be wholly restored by them.

VII. That the merchants, interpreters, brokers, and others, of the said nation, shall and may, both by sea and land, come into our dominions, and there trade with the most perfect security; and in coming and going, neither they nor their attendants shall receive any the least obstruction, molestation, or injury, either in their persons or property, from the beys, cadis, sea-captains, soldiers, and others our slaves.

VIII. That if an Englishman, either for his own debt, or as surety for another, shall abscond, or become bankrupt, the debt shall be demanded from the real debtor only; and unless the creditor be in possession of some security given by another, such person shall not be arrested, nor the payment of such debt be demanded of him.

IX. That in all transactions, matters, and business occurring between the English and merchants of the countries to them subject, their attendants, interpreters, and brokers, and any other persons in our dominions, with regard to sales and purchases, credits, traffic, or security, and all other legal matters, they shall be at liberty to repair to the judge, and there make a hoget, or public authentic act, with witness, and register the suit, to the end that if in future any difference or dispute shall arise, they may both observe the said register and hoget; and when the suit shall be found conformable thereto, it shall be observed accordingly.

Should no such hoget, however, have been obtained from the judge, and false witnesses only are produced, their suit shall not be listened to, but justice be always administered according to the legal hoget.

X. That if any shall calumniate an Englishman, by asserting that he hath been injured by him, and producing false witnesses against him, our judges shall not give ear unto them, but the cause shall be referred to his Ambassador, in order to his deciding the same, and that he may always have recourse to his protection.

XI. That if an Englishman, having committed an offence, shall make his escape, no other Englishman, not being security for him, shall, under such pretext, be taken or molested.

XII. That if an Englishman, or subject of England, be found to be a slave in our States, and be demanded by the English Ambassador or Consul, due inquiry and examination shall be made into the causes thereof, and such person being found to be English, shall be immediately released, and delivered up to the Ambassador or Consul.

XIII. That all Englishmen, and subjects of England, who shall dwell or reside in our Dominions, whether they be married or single, artisans or merchants, shall be exempt from all tribute.

XIV. That the English Ambassadors shall and may, at their pleasure, establish Consuls in the ports of Aleppo, Alexandria, Tripoli, Barbary, Tunis, Tripoli of Syria and Barbary, Scio, Smirna, and Egypt, and in like manner remove them, and appoint others in their stead, without any one opposing them.

XV. That in all litigations occurring between the English, or subjects of England, and any other persons, the judges shall not proceed to hear the cause without the presence of an interpreter, or one of his deputies.

XVI. That if there happen any suit, or other difference or dispute, amongst the English themselves, the decision thereof shall be left to their own Ambassador or Consul, according to their custom, without the judge or other governors our slaves intermeddling therein.

XVII. That our ships and galleys, and all other vessels, which may fall in with any English ships in the seas of our Dominions shall not give them any molestation, nor detain them by demanding anything, but shall show good and mutual friendship the one to the other, without occasioning them any prejudice.

XVIII. That all the Capitulations, privileges, and Articles, granted to the French, Venetian, and other Princes, who are in amity with the Sublime Porte, having been in like manner, through favour, granted to the English, by virtue of our special command, the same shall be always observed according to the form and tenor thereof, so that no one in future do presume to violate the same, or act in contravention thereof.

XIX. That if the corsairs or galliots of the Levant shall be found to have taken any English vessels, or robbed or plundered them of their goods and effects, also if any one shall have forcibly taken anything from the English, all possible diligence and exertion shall be used and employed for the discovery of the property, and inflicting condign punishment on those who may have committed such depredations; and their ships, goods, and effects shall be restored to them without delay or intrigue.

XX. That all our Beglerbeys, imperial and private Captains, Governors, Commandants, and other Administrators, shall always strictly observe the tenor of these imperial Capitulations, and respect the friendship and correspondence established on both sides, every one in particular taking special care not to let anything be done contrary thereto; and as long as the said Monarch shall continue to evince true and sincere friendship, by a strict observance of the Articles and conditions herein stipulated, these Articles and conditions of peace and friendship shall, in like manner, be observed and kept on our part. To the end, therefore, that no act might be committed in contravention thereof, certain clear and distinct Capitulations were conceded in the reign of our late grandfather, of happy memory (whose tomb be ever resplendent!).

Since which, in the time of our said grandfather, of happy memory, Sultan Ahmed (whose tomb be blessed!), James, King of England, sent an Ambassador with letters and presents (which were accepted), and requested that the friendship and good understanding which existed between Him and the Porte in the days of our grandfather, of happy memory, as also the stipulations and conditions of the august Capitulations, might be ratified and confirmed, and certain Articles added thereto; which request being represented to the imperial throne, express commands were given, that in consideration of the existing friendship and good understanding, and in

conformity to the Capitulations conceded to other Princes in amity with the Sublime Porte, the Articles and stipulations of the sacred Capitulations should be renewed and confirmed, and the tenor thereof be for ever observed; and amongst the Articles added to the Capitulations conceded by the command aforesaid, at the request of the said King, were the following:

XXI. That duties shall not be demanded or taken of the English, or the merchants sailing under the flag of that nation, on any piastres and sequins they may import into our sacred Dominions, or on those they may transport to any other place.

XXII. That our Beglerbeys, judges, defterdars, and masters of the mint, shall not interpose any hindrance or obstacle thereto, by demanding either dollars or sequins from them, under the pretence of having them recoined and exchanged into other money, nor shall give them any molestation or trouble whatever with regard thereto.

XXIII. That the English nation, and all ships belonging to places subject thereto, shall and may buy, sell, and trade in our sacred Dominions, and (except arms, gunpowder, and other prohibited commodities) load and transport in their ships every kind of merchandize, at their own pleasure, without experiencing any the least obstacle or hindrance from any one; and their ships and vessels shall and may at all times safely and securely come, abide, and trade in the ports and harbours of our sacred Dominions, and with their own money buy provisions and take in water, without any hindrance or molestation from any one.

XXIV. That if an Englishman, or other subject of that nation, shall be involved in any lawsuit or other affair connected with law, the judge shall not hear nor decide thereon until the Ambassador, Consul, or Interpreter, shall be present; and all suits exceeding the value of 4,000 aspers shall be heard at the Sublime Porte, and nowhere else.

XXV. That the Consuls appointed by the English Ambassador in our sacred dominions, for the protection of their merchants, shall never, under any pretence, be imprisoned, nor their houses sealed up, nor themselves sent away; but all suits or differences in which they may be involved shall be represented to our Sublime Porte, where their Ambassadors will answer for them.

XXVI. That in case any Englishman, or other person subject to that nation, or navigating under its flag, should happen to die in our sacred Dominions, our fiscal and other officers shall not, upon pretence of its not being known to whom the property belongs, interpose any opposition or violence, by taking or seizing the effects that may be found at his death, but they shall be delivered up to such Englishman, whoever he may be, to whom the deceased may have left them by his will: and should he have died intestate, then the property shall be delivered up to the English Consul, or his representative, who may be there present: and in case there be no Consul, or Consular representative, they shall be sequestered by the judge, in order to his delivering up the whole thereof, whenever any ship shall be sent by the Ambassador to receive the same.

XXVII. That all the privileges, and other liberties already conceded, or hereafter to be conceded to the English, and other subjects of that nation

sailing under their flag, by divers imperial commands, shall be always obeyed, and observed, and interpreted in their favour, according to the tenor and true intent and meaning thereof; neither shall any fees be demanded by the fiscal officers and judges in the distribution of their property and effects.

XXVIII. That the Ambassadors and Consuls shall and may take into their service any janizary or interpreter they please, without any other janizary or other of our slaves, intruding themselves into their service against their will and consent.

XXIX. That no obstruction or hindrance shall be given to the Ambassadors, Consuls, and other Englishmen, who may be desirous of making wine in their own houses, for the consumption of themselves and families; neither shall the janizaries our slaves, or others, presume to demand or exact any thing from them, or do them any injustice or injury.

XXX. That the English merchants having once paid the customs at Constantinople, Alleppo, Alexandria, Scio, Smirna, and other ports of our sacred Dominions, not an asper more shall be taken or demanded from them at any other place, nor shall any obstacle be interposed to the exit of their merchandize.

XXXI. That having landed the merchandize imported by their ships into our sacred Dominions, and paid in any port the customs thereon, and being obliged, from the impossibility of selling the same there, to transport them to another port, the commandants or governors shall not, on the landing of such merchandize, exact from them any new custom or duty thereon, but shall suffer them, freely and unrestrictedly, to trade, without any molestation or obstruction whatsoever.

XXXII. That no excise or duty on animal food shall be demanded of the English, or any subjects of that nation.

XXXIII. That differences and disputes having heretofore arisen between the Ambassadors of the Queen of England and King of France, touching the affair of the Blemish merchants, and both of them having presented memorials at our Imperial stirrup, praying that such of the said merchants as should come into our sacred Dominions might navigate under their flag, hattisheriffs were granted to both parties; but the Captain Pacha, Sinan, the son of Cigala, now deceased, who was formerly Vizier, and well versed in maritime affairs, having represented that it was expedient that such privilege should be granted to the Queen of England, and that the Flemish merchants should place themselves under Her flag, as also the merchants of the four provinces of Holland, Zealand, Friesland, and Guelderland, and all the other Viziers being likewise of opinion that they should all navigate under the Queen's flag, and, like all the other English, pay the consulage and other duties, as well on their own merchandize as on those of others loaded by them in their ships, to the Queen's Ambassadors or Consuls, it was, by express order and Imperial authority, accordingly commanded, that the French Ambassador or Consul should never hereafter oppose or intermeddle herein, but in future act conformably to the tenor of the present Capitulation.

After which, another Ambassador arrived from the said Queen, with the gifts and presents sent by Her, which being graciously accepted, the said Ambassador represented that the Queen desired that certain other privileges might be added to the Imperial Capitulations, whereof he furnished a list, one of which was, that certain Capitulations having been granted in the days of our grandfather, of happy memory (whose tomb be ever blessed!), to the end that the merchants of Spain, Portugal, Ancona, Sicily, Florence, Catalonia, Flanders, and all other merchant-strangers, might go and come to our sacred Dominions, and manage their trade, it was stipulated, in such Capitulations, that they should be at liberty to appoint Consuls; but each nation being unable to defray the charge and maintenance of a Consul, they were left at liberty to place themselves under the flag of any of the Kings in peace and amity with the Sublime Porte, and to have recourse to the protection of any of their Consuls, touching which privilege divers commands and Capitulations were repeatedly granted, and the said merchants having, by virtue thereof, chosen to navigate under the English flag, and to have recourse in our harbours to the protection of the English Consuls, the French Ambassadors contended that the said merchant-strangers were entitled to the privilege of their Capitulations, and forced them to have recourse in all ports to their Consuls, which being represented by the said nations to our august tribunal, and their cause duly heard and decided, they were, for a second time, left to their free choice, when again having recourse to the protection of the English Ambassadors and Consuls, they were continually molested and opposed by the French Ambassador, which being represented by the English, with a request that we would not accept the Articles added to the French Capitulations respecting the nations of merchant-strangers, but that it should be again inserted in the Capitulations, that the said nations should, in the manner prescribed, have recourse to the protection of the English Consuls, and that hereafter they should never be vexed or molested by the French on this point, it was, by the Imperial authority, accordingly commanded that the merchants of the countries aforesaid, should, in the manner prescribed, have recourse to the protection of the English Ambassadors and Consuls, conformably to the Imperial commands to them conceded, and which particular was again registered in the Imperial Capitulations, *viz.*, that there should never be issued any commands, contrary to the tenor of these Capitulations which might tend to the prejudice or breach of our sincere friendship and good understanding; but that on such occasions the cause thereof should first be certified to the Ambassador of England residing at our Sublime Porte, in order to his answering and objecting to anything that might tend to a breach of the Articles of peace.

XXXIV. That the English merchants, and other subjects of that nation, shall and may, according to their condition, trade at Aleppo, Egypt, and other ports of our sacred Dominions, on paying (according to ancient custom) a duty of three per cent. on all their merchandize, without being bound to the disbursement of an asper more.

XXXV. That, in addition to the duty hitherto uniformly exacted on all merchandize, laden, imported, and transported in English ships, they shall also pay the whole of the consulage to the English Ambassadors and Consuls.

XXXVI. That the English merchants, and all others sailing under their flag, shall and may, freely and unrestrictedly, trade and purchase all sorts of merchandize (prohibited commodities alone excepted), and convey them, either by land or sea, or by way of the river Tanais to the countries of Muscovy or Russia, and bring back from thence other merchandize into our sacred Dominions, for the purposes of traffic, and also transport others to Persia and other conquered countries.

XXXVII. That such customs only shall be demanded on the said goods in the conquered countries as have always been received there, without anything more being exacted.

XXXVIII. That should the ships bound for Constantinople be forced by contrary winds to put into Caffa, or any other place of those parts, and not be disposed to buy or sell anything, no one shall presume forcibly to take out or seize any part of their merchandize, or give to the ships or crews any molestation, or obstruct the vessels that are bound to those ports; but our governors shall always protect and defend them, and all their crews, goods, and effects, and not permit any damage or injury to be done to them: and should they be desirous of purchasing, with their own money, any provisions in the places where they may happen to be, or of hiring any carts or vessels (not before hired by others), for the transportation of their goods, no one shall hinder or obstruct them therein.

XXXIX. That customs shall not be demanded or taken on the merchandize brought by them in their ships to Constantinople, or any other port of our sacred Dominions, which they shall not, of their own free-will, land with a view to sale.

XL. That on their ships arriving at any port, and landing their goods and merchandizes they shall and may, after having paid their duties, safely and securely depart, without experiencing any molestation or obstruction from any one.

XLI. That English ships coming into our sacred Dominions, and touching at the ports of Barbary and of the western coast, used oftentimes to take on board pilgrims and other Turkish passengers, with the intention of landing them at Alexandria, and other ports of our sacred Dominions; on their arrival at which ports the commandants and governors demanded of them customs on the whole of their goods before they were landed, by reason of which outrage they have forborne receiving on board any more pilgrims; the more so as they were forced to take out of the ships that were bound to Constantinople the merchandize destined for other places, besides exacting the duties on those that were not landed: all English ships, therefore, bound to Constantinople, Alexandria, Tripoli of Syria, Scanderoon, or other ports of our sacred Dominions, shall in future be bound to pay duties according to custom, on such goods only as they shall, of their own free-will, land with a view to sale; and for such merchandize as they shall not discharge, no custom or duty shall be demanded of them, neither shall the least molestation or hindrance be given to them, but they shall and may freely transport them wherever they please.

XLII. That in case any Englishman, or other person navigating under their flag, should happen to commit manslaughter, or any other crime, or be thereby involved in a lawsuit, the governors in our sacred Dominions shall not proceed to the cause until the Ambassador or Consul shall be present, but they shall hear and decide it together without their presuming to give them any the least molestation, by hearing it alone, contrary to the holy law and these Capitulations.

XLIII. That notwithstanding it is stipulated by the Imperial Capitulations, that the merchandize laden on board all English ships proceeding to our sacred Dominions shall moreover pay consulage to the Ambassador or Consul for those goods on which customs are payable, certain Mahometan merchants, Sciots, Franks, and ill-disposed persons, object to the payment thereof; wherefore it is hereby commanded, that all the merchandize, unto whomsoever belonging, which shall be laden on board their ships, and have been used to pay custom, shall in future pay the consulage, without any resistance or opposition.

XLIV. That the English and other merchants navigating under their flag, who trade to Aleppo, shall pay such customs and other duties on the silks, brought and laden by them on board their ships, as are paid by the French and Venetians, and not one asper more.

XLV. That the Ambassadors of the King of England, residing at the Sublime Porte, being the representatives of His Majesty, and the interpreters the representatives of the Ambassadors for such matters, therefore, as the latter shall translate or speak, or for whatever sealed letter or memorial they may convey to any place in the name of their Ambassador, it being found, that that which they have interpreted or translated is a true interpretation of the words and answers of the Ambassador or Consul, they shall be always free from all imputation of fault or punishment; and in case they shall commit any offence, our judges and governors shall not reprove, beat, or put any of the said interpreters in prison, without the knowledge of the Ambassador or Consul.

XLVI. That in case any of the interpreters shall happen to die, if he be an Englishman proceeding from England, all his effects shall be taken possession of by the Ambassador or Consul; but should he be a subject of our Dominions, they shall be delivered up to his next heir; and having no heir they shall be confiscated by our fiscal officers.

And it was expressly commanded and ordained, that the abovementioned Articles and privileges should in future be strictly observed and performed, according to the form and tenor thereof.

Since which time, an Ambassador from the King of England came to the Sublime Porte, and represented that laws had been oftentimes promulgated contrary to the tenor of the sacred Capitulations, which being produced without their knowledge to our judges, and the dates of such laws being posterior to those of our Capitulations, the latter could not be carried into

execution; his Sovereign therefore wished that such laws might not be executed, but that the Imperial Capitulations should be always observed and maintained according to the form and tenor thereof; all which being represented to the Imperial Throne, such request was acceded to, and conformably thereto, it was expressly ordained and commanded, that all such laws as already had been, or should thereafter be, promulgated contrary to the tenor of these Imperial Capitulations, should, when pleaded or quoted before our judges, never be admitted or carried into execution, but that the said judges should ever obey and observe the tenor of the Imperial Capitulations. In the time of our glorious forefathers and most august predecessors, of happy memory, therefore, clear and distinct Capitulations were granted, which annulled such laws, and directed them to be taken from those who produced them.

After which, Sultan Osman Chan having ascended the Imperial Throne, the King of England sent another Ambassador, with letters and presents, which were graciously accepted, requesting that the Imperial Capitulations granted in splendid and happy times, by the singular justice of our glorious forefathers, and by them confirmed and granted, might be renewed.

And some time after His august coronation, the King of England again sent unto this Sublime Porte one of His most distinguished and wise personages as His Ambassador, with a letter and presents, which were graciously accepted, professing and demonstrating the most sincere friendship for the said Porte; and the said Ambassador having desired, on the part of the King, that the Capitulations granted in the happy time of our glorious forefathers and august predecessors, as also those granted by the aforesaid Sultan, might be renewed and confirmed, and certain important and necessary Articles added to the Imperial Capitulations, and that others already granted might be amended and more clearly expressed; such his request was acceded to, and the Imperial Capitulations granted in the time of our most glorious and august forefathers were confirmed, the Articles and stipulations renewed, and the conditions and Conventions observed. Whereupon express commands were given that the tenor of the sacred Capitulations should be strictly performed, and that no one should presume to contravene the same. And the said Ambassador having represented and notified to the Sublime Throne, that governors and commandants of many places had, contrary to the tenor of the Imperial Capitulations, molested and vexed with various inventions and innovations the English and other merchants, subjects of that nation, trading to these our sacred Dominions, and desired that they might be prohibited from so doing, and some new Articles be added to the Imperial Capitulations, an Imperial order was accordingly granted, whereby it was expressly commanded, that the Articles newly added should be for ever strictly executed, without any one ever presuming to violate the same.

XLVII. That whereas the corsairs of Tunis and Barbary having, contrary to the tenor of the Capitulations and our Imperial license, molested the merchants and other subjects of the King of England, as also those of other Kings in amity with the Sublime Porte, and plundered and pillaged their goods and property, it was expressly ordained and commanded, that the

goods so plundered should be restored, and the captives released; and that if after such commands the Tunisians and Algerines should, contrary to the tenor of our Capitulations, again molest the said merchants, and pillage their goods and property, and not restore the same, but convey them to the countries and ports of our sacred Dominions, and especially to Tunis, Barbary, Modon, or Coron, the beglerbeys, governors, and commandants of such places should, in future, banish and punish them, and not permit them to sell the same.

XLVIII. That it is written and registered in the Capitulations, that the governors and officers of Aleppo, and other ports of our sacred Dominions, should not, contrary to the tenor of the said Capitulations, forcibly take from the English merchants any money for their silk, under the pretence of custom or other duty, but that the said merchants should pay for the silk, by them purchased at Aleppo, the same as the French and Venetians do, and no more. Notwithstanding which, the commandants of Aleppo have, under colour of custom and duty, demanded two and a half per cent. for their silk, and thereby taken their money: wherefore We command that this matter be investigated and inquired into, in order that such money may be refunded to them by those who have taken the same; and for the future, the duty exacted from them shall be according to ancient custom, and as the Venetians and French were accustomed to pay, so that not a single asper more be taken by any new imposition.

XLIX. That the merchants of the aforesaid nation, resident at Galata, buy and receive divers goods, wares, and merchandizes, and after having paid to our customer the duties thereon, and received a tescaré, ascertaining their having paid the same, preparatory to loading such goods in due time on board their ships, it sometimes happens that, in the interim, the customer either dies, or is removed from his situation, and his successor will not accept of the said tescaré, but demands a fresh duty from the said merchants, thereby molesting them in various ways; wherefore We do command, that on its really and truly appearing that they have once paid the duties on the goods purchased, the customer shall receive the said tescaré without demanding any fresh duty.

L. That the merchants of the aforesaid nation, after having once paid the duties, and received the tescaré, for the camlets, mohair, silk, and other merchandize, purchased by them at Angora, and transported to Constantinople and other ports of our sacred Dominions, and having deposited such goods in their own warehouses, have been again applied to for duties thereon; We do therefore hereby command that they shall no longer be molested or vexed on that head, but that when the said merchants shall be desirous of loading such goods on board their ships, and on its appearing by the tescaré that they have already paid the duties thereon, no fresh custom or duty shall be demanded for the said goods, provided that the said merchants do not blend or intermix the goods which have not paid custom with those which have.

LI. That the merchants of the aforesaid nation, having once paid the customs on the merchandize imported into Constantinople, and other ports of our sacred Dominions, and on those exported therefrom, as silks, camlets, and

other goods, and being unable to sell the said goods, are under the necessity of transporting them to Smirna, Scio, and other ports; on their arrival there the governors and custom-house officers of such ports shall always accept their tescarés, and forbear exacting any further duty on the said merchandize.

LII. That for the goods which the merchants of the nation aforesaid shall bring to Constantinople, and other ports of our sacred Dominions, and for those they shall export from the said places, Mastariagi of Galata and Constantinople shall take their mastaria, according to the old canon and ancient usage, that is to say, for those merchandizes only whereon it was usually paid; but for such merchandizes as have not been accustomed to pay the same, nothing shall be taken contrary to the said canon, neither shall any innovations be made in future with regard to English merchandize, nor shall one asper more be taken than is warranted by custom.

LIII. That the merchants of the aforesaid nation shall and may always come and go into the ports and harbours of our sacred Dominions, and trade, without experiencing any obstacle from any one, with the cloths, kersies, spice, tin, lead, and other merchandize they may bring, and, with the exception of prohibited goods, shall and may, in like manner, buy and export all sorts of merchandize, without any one presuming to prohibit or molest them: and our customers and other officers, after having received the duties thereon, according to ancient custom and the tenor of these sacred Capitulations, shall not demand of them anything more, touching which point, certain clear and distinct capitulations were granted, to the end that the beglerbeys and other commandants, our subjects, as also the commandants and lieutenants of our harbours, might always act in conformity to these our Imperial commands, and let nothing be done contrary thereto.

After which, in the time of our uncle, deceased, blessed and translated to Paradise, Sultan Murad Chan (whose tomb be ever resplendent!), the aforesaid King of England sent Sir Sackville Crow, Baronet, as His Ambassador, with a letter and presents, which were graciously accepted; but the time of his embassy being expired, another Ambassador, named Sir Thomas Bendish, arrived, to reside at the Porte in his stead, with His presents, and a courteous letter, professing the utmost friendship, devotion, and sincerity; and the said Ambassador having brought the Capitulations formerly granted to the English, and requested they might be renewed according to custom, he represented the damage and injury sustained by the English, contrary to the tenor of various Articles of the Capitulations, *viz.*

That before the English merchants repaired to the Custom-house, some one went on board the ship, and forcibly took out their goods; and before any price could be fixed on the best and most valuable articles, or the accounts made out, he took and carried them away; and that the said merchants, having punctually paid the duties thereon in one port, and being desirous of transporting the same goods to another port, the customer detained them, and would not suffer them to depart until they had paid the duties a second time: and whereas it is specified in the Capitulations, that

in all suits wherein the English are parties, our judges are not to hear or decide the same, unless their Ambassador or Consul be present; notwithstanding which, our judges, without the knowledge of their Ambassador, have proceeded to imprison and exact presents from the English merchants, and other subjects of that nation, besides being guilty of other oppressions: and whereas it is further ordered in the Capitulations, that no duties shall be taken on such sequins and piastres as by the English merchants shall be brought in, or carried out of, our Imperial Dominions, and that a duty of three per cent. only shall be demanded on their goods; notwithstanding which, the customers have exacted duties on the sequins and dollars, and demanded more duties than were due on the silk bought by them, besides demanding six per cent. on the goods transported from Alexandria to Aleppo, which abuses were heretofore rectified by an express hattisheriff; notwithstanding which, the English merchants still continued to experience some molestation, by the customers valuing their goods at more than they were worth, so that although it was the custom to receive but three per cent. only, the latter exacted six per cent. from them, and the servants of the Custom-house, under colour of certain petty charges, took from them various sums of money, and that a greater number of waiters were put on board their ships than usual, the expences attending which were a great burthen to the merchants and masters of ships who sustained it.

That the customers, desirous to value goods at more than their worth, were not satisfied with the merchants paying them duties on the same goods at the rate of three per cent., but interposed numerous difficulties and obstacles:

The said Ambassador having requested, therefore, that such abuses might be rectified, and the laws of the Imperial Capitulations be duly executed, his request was represented to the Imperial Throne, when We were graciously pleased to order:

LIV. That the English merchants having once paid the duties on their merchandize, at the rate of three per cent., and taken them out of their ship, no one shall demand or exact from them anything more without their consent: and it was moreover expressly commanded, that the English merchants should not be molested or vexed in manner aforesaid, contrary to the Articles of the Capitulations.

Since which, another Ambassador of the King of England, Sir Heneage Finch, Knight, Earl of Winchelsea, Viscount Maidstone, and Baron Fitzherbert of Eastwell, arrived to reside at the Sublime Porte, with presents and a courteous letter, demonstrating His sincere friendship, and professing the utmost cordiality and devotion; which Ambassador also presented the Capitulations, and requested that the most necessary and important Articles thereof might be renewed and confirmed, according to custom, which request was graciously acceded to, and the desired privileges granted to him, *viz.*

LV. That the Imperial fleet, galleys, and other vessels, departing from our sacred Dominions, and falling in with English ships at sea, shall in nowise molest or detain them, nor take from them anything whatsoever, but always show to one another good friendship, without occasioning them the least

damage or injury; and notwithstanding it is thus declared in the Imperial Capitulations, the said English ships are still molested by the ships of the Imperial fleet, and by the Beys and Captains who navigate the seas, as also by those of Algiers, Tunis, and Barbary, who, falling in with them whilst sailing from one port to another, detain them for the mere purpose of plunder, under colour of searching for enemy's property, and under that pretence prevent them from prosecuting their voyage: now We do hereby expressly command, that the provisions of the old canon be executed at the castles and in the ports only, and nowhere else, and that they shall no longer be liable to any further search or exaction at sea, under colour of search or examination.

LVI. That the said Ambassador having represented that our customers, after having been fully paid the proper duties by the English merchants on their goods, delayed, contrary to the Articles and stipulations of the Capitulations, to give them the tescarés of the goods for which they had already received the duty, with the sole view of oppressing and doing them injustice; We do hereby strictly command that the said customers do never more delay granting them the tescarés, and the goods whereon they have once paid the duty being transported to another port, in consequence of no opportunity of sale having occurred in the former port, entire credit shall be given to the tescarés, ascertaining the payment already made, agreeably to the Capitulations granted to them, and no molestation shall be given to them, nor any new duty demanded.

LVII. That notwithstanding it is stipulated by the Capitulations that the English merchants, and other subjects of that nation, shall and may, according to their rank and condition, trade to Aleppo, Egypt, and other parts of our Imperial Dominions, and for all their goods, wares, and merchandize, pay a duty of three per cent. only, and nothing more, according to ancient custom, the customers have molested the English merchants, with a view to oppress them and the subjects of that nation, on their arrival with their goods laden on board their ships, whether conveyed by sea or land, at our ports and harbours, under pretence of the goods so brought by them not belonging to the English; and that for goods brought from England they demanded three per cent. only, but for those brought by them from Venice and other ports they exacted more; wherefore, on this point, let the Imperial Capitulations granted in former times be observed, and our governors and officers in nowise permit or consent to the same being infringed.

LVIII. That whereas it is specified in the Capitulations, that in case an Englishman should become a debtor or surety, or run away or fail, the debt shall be demanded of the debtor; and if the creditor be not in possession of some legal document given by the surety, he shall not be arrested, nor such debt be demanded of him; should an English merchant, resident in another country, with the sole view of freeing himself from the payment of a debt, draw a bill of exchange from another merchant, living in Turkey, and the person to whom the same is payable, being a man of power and authority, should molest such merchant who had contracted no debt to the drawer, and oppress him, contrary to law and the sacred Capitulations, by contending that the bill was drawn upon him, and that he was bound to pay the debt of the

other merchant; now We do hereby expressly command, that no such molestation be given in future, but if such merchants shall accept the bill, they shall proceed in manner and form therein pointed out; but should he refuse to accept it, he shall be liable to no further trouble.

LIX. That the interpreters of the English Ambassadors, having always been free and exempt from all contributions and impositions whatever, respect shall in future be paid to the Articles of the Capitulations stipulated in ancient times, without the fiscal officers intermeddling with the effects of any of the interpreters who may happen to die, which effects shall be distributed amongst his heirs.

LX. That the aforesaid King, having been a true friend of our Sublime Porte, His Ambassador, who resides here, shall be allowed ten servants, of any nation whatsoever, who shall be exempt from impositions, and in no manner molested.

LXI. That if any Englishman should turn Turk, and it should be represented and proved, that besides his own goods, he has in his hands any property belonging to another person in England, such property shall be taken from him, and delivered up to the Ambassador or Consul, that they may convey the same to the owner thereof.

The Ambassador of the aforesaid King, who resided in our Sublime Porte, being dead, Sir John Finch Knight, a prudent man, was sent as Ambassador to the Imperial Throne, and to reside at our Sublime Porte, with a letter and presents, which, on arrival and presentation to our glorious and imperial presence, were graciously accepted; and the said Ambassador, having brought with him the sacred Capitulations, heretofore granted by our August Person, and represented to Us, on the part of the aforesaid King, His Majesty's desire that they should be renewed and confirmed, according to custom, and certain new Articles added to them; to which request We most graciously acceded, by commanding that such Additional Articles be registered in the Imperial Capitulations, of which one was the Imperial command, to which was affixed the hattisherif, that is, the hand of our deceased glorious father, absolved by God, Sultan Ibrahim (whose soul rest in glory and divine mercy!), in the year 1053—to wit.

LXII. That for every piece of cloth, called Londra, which, from ancient times, was always brought by the British ships to Alexandria, there should be taken in that place a duty of forty paras, for every piece of kersey six paras, for every bale of hareskins six paras, and for every quaintal of tin and lead, Damascus weight, fifty-seven paras and a half.

LXIII. That on afterwards transporting the said goods from Alexandria to Aleppo, there should be demanded, by the custom-house officers of Aleppo, for every piece of Londra eighty paras, for a piece of kersey eight paras and two aspers, for every bundle of hareskins eight paras and two aspers, and for every Aleppo weight of tin and lead, one para.

LXIV. That on the goods purchased by the aforesaid nation at Aleppo, there should be paid for transport duty, on every bale of unbleached linen, cordovans, and chorasani-hindi two dollars and a half, for every bale of cotton yarn one dollar and a quarter, for every bale of galls one quarter, for every bale of silk ten osmans; and for rhubarb and other trifles, and various sorts of drugs, according to a valuation to be made by the appraiser, there should be taken a duty of three per cent.

LXV. That on carrying the said goods to Alexandria, and there loading them on board their ships, there should be taken for transport duty, on every bale of unbleached linen and cordovans one dollar and a half, for every bale of chorasani-hindi and cotton yarn three-quarters, for every bale of galls one-quarter; and for rhubarb and other trifles, and various sorts of drugs, after a valuation made thereof, there should be taken three-quarters of a piastre; and that for the future no demand whatever to the contrary should be submitted to.

LXVI. That all commands issued by the chamber contrary to the above-mentioned Articles should not be obeyed; but for the future, every thing be observed conformably to the tenor of the Capitulations and the Imperial Signet.

LXVII. It being stipulated by the Capitulations that the English merchants shall pay a duty of three per cent. on all goods by them imported and exported, without being bound to pay an asper more; and disputes having arisen with the customers on this head, they shall continue to pay duty as heretofore paid by them, at a rate of three per cent. only, neither more nor less.

LXVIII. That for the London and other cloths manufactured in England, whether fine or coarse, and of whatsoever price, imported by them into the ports of Constantinople and Galatta, there shall be taken according to the ancient canons, and as they have always hitherto paid, one hundred and forty-four aspers, computing the dollar at eighty aspers, and the leone at seventy, and nothing more shall be exacted from them; but the cloths of Holland and other countries, *viz.*, serges, Londrina scarlets, and other cloths, shall pay, for the future, that which hitherto has been the accustomed duty; and at Smirna likewise shall be paid according to ancient custom, calculated in dollars and leones, for every piece of London or other cloth of English fabric, whether fine or coarse, one hundred and twenty aspers, without an asper more being demanded, or any innovation being made therein.

LXIX. It being registered in the Imperial Capitulations, that all suits wherein the English are parties, and exceeding the sum of four thousand aspers, shall be heard in our Sublime Porte, and nowhere else.

That if at any time the commanders and governors should arrest any English merchant, or other Englishman, on the point of departure by any ship, by reason of any debt or demand upon him, if the Consul of the place will give bail for him, by offering himself as surety until such suit shall be decided in our Imperial Divan, such person so arrested shall be released, and not imprisoned or prevented from prosecuting his voyage, and they who claim

anything from him shall present themselves in our Imperial Divan, and there submit their claims, in order that the Ambassador may furnish an answer thereto. With regard to these for whom the Consul shall not have given bail, the commandant may act as he shall think proper.

LXX. That all English ships coming to the ports of Constantinople, Alexandria, Smirna, Cyprus, and other ports of our sacred Dominions, shall pay three hundred aspers for anchorage duty, without an asper more being demanded from them.

LXXI. That should any Englishman coming with merchandize turn Turk, and the goods so imported by him be proved to belong to merchants of his own country, from whom he had taken them, the whole shall be detained, with the ready money, and delivered up to the Ambassador, in order to his transmitting the same to the right owners, without any of our judges or officers interposing any obstacle or hindrance thereto.

LXXII. That no molestation shall be given to any of the aforesaid nation buying camlets, mohairs, or grogram yarn, at Angora and Beghbazar, and desirous of exporting the same from thence, after having paid the duty of three per cent. by any demand of customs for the exportation thereof, neither shall one asper more be demanded of them.

LXXIII. That should any suit be instituted by an English merchant for the amount of a debt, and the same be recovered by means of the assistance of a chiaux, he shall pay him out of the money recovered two per cent., and what is usually paid for fees in the mehkemé, or court of justice, and not an asper more.

LXXIV. That the King having always been a friend to the Sublime Porte, out of regard to such good friendship, His Majesty shall and may, with His own money, purchase for His own kitchen, at Smirna, Salonica, or any other port of our Sacred Dominions in fertile and abundant years, and not in times of dearth or scarcity, two cargoes of figs and raisins, and after having paid a duty of three per cent. thereon, no obstacle or hindrance shall be given thereto.

LXXV. That it being represented to Us that the English merchants have been accustomed hitherto to pay no custom or scale duty, either on the silks bought by them at Brussa and Constantinople or on those which come from Persia and Georgia, and are purchased by them at Smirna from the Armenians; if such usage or custom really exists, and the same be not prejudicial to the Empire, such duty shall not be paid in future: and the said Ambassador, having requested that the foregoing Articles might be duly respected, and added to the Imperial Capitulations, his request was acceded to; therefore, in the same manner as the Capitulations were heretofore conceded by our Imperial hattisherif, so are they now in like manner renewed by our Imperial command; wherefore, in conformity to the Imperial Signet, We have again granted these sacred Capitulations, which We command to be observed, so long as the said King shall continue to maintain that good friendship and understanding with our Sublime Porte, which was maintained in the happy time of our glorious ancestors, which friendship We, on our part,

accept; and adhering to these Articles and stipulations, We do hereby promise and swear, by the one Omnipotent God, the Creator of heaven and earth, and of all creatures, that We will permit nothing to be done or transacted contrary to the tenor of the Articles and stipulations heretofore made, and these Imperial Capitulations; and accordingly every one is to yield implicit faith and obedience to this our Imperial Signet, affixed in the middle of the month of Gamaziel, in the year 1086 (corresponding with the year of our Lord 1675).

TREATY between GREAT BRITAIN and the SUBLIME PORTE. Concluded at the DARDANELLES, the 5th of January, 1809.

TRAITE entre la GRANDE BRETAGNE et la SUBLIME PORTE. Fait pres des Chateaux des DARDANELLES, le 5 Janvier, 1809.

(*Translation.*)

In the name of the Most Merciful God.

The object of this faithful and authentic instrument is as follows:—

Notwithstanding the appearances of a misunderstanding between the Court of Great Britain and the Sublime Ottoman Porte, consequent upon the occurrences of the moment, the two Powers, equally animated with a sincere desire of re-establishing the ancient friendship which subsisted between them, have named their Plenipotentiaries for that purpose; that is to say, His Most August and Most Honoured Majesty George the Third, King of the United Kingdom of Great Britain and Ireland, has named for His Plenipotentiary, Robert Adair, Esq., one of the Members of the Royal Parliament of Great Britain; and His Majesty the Most Noble, Most Powerful, and Most Magnificent Sultan Mahomet Han II., Emperor of the Ottomans, has named for His Plenipotentiary, Seyde, Mehmed-Emin-Vahid Effendi, Director and Inspector of the Department called "*Mercoufat,*" and invested with the rank of "*Nichangi*" of the Imperial Divan; who, having recipro-

Au Nom de Dieu Très Miséricordieux.

L'objet de cet Instrument fidèle et authontique est ce qui suit:—

Nonobstant les apparences d'une mésintelligence survenue à la suite des événemens du tems entre la Cour de la Grande Bretagne et la Sublime Porte Ottomane, ces deux Puissances également animées du désir sincère de rétablir l'ancienne amitié qui subsistait entre Elles, ont nommé pour cet effet Leurs Plénipotentiaires respectifs, savoir; Sa Majesté le Très Auguste et Très Honoré George III., Roi (Padishah) du Royaume Uni de la Grande Bretagne et de l'Irlande a nommé pour Son Plénipotentiaire Robert Adair, Ecuyer, Membre du Parlement Royal de la Grande Bretagne; et Sa Majesté le Très Majestueux, Très Puissant, et Très Magnifique Sultan Mahmoud Han II., Empereur des Ottomans, a nommé pour Son Plénipotentiaire Seyde, Mehmed-Emin-Vahid Effendi, Directeur et Inspecteur du Département appelé *Mercoufat,* et revêtu du rang de *Nichangi* du Divan Impérial; lesquels

cally communicated to each other their full Powers, after several conferences and discussions, have concluded the peace equally desired by both Powers, and have agreed upon the following Articles:—

I. From the moment of signing the present Treaty, every act of hostility between England and Turkey shall cease; and in furtherance of this happy peace, the prisoners on both sides shall be exchanged without distinction, in thirty-one days from the signature of this Treaty, or sooner if possible.

II. Should any fortresses belonging to the Sublime Porte be in the possession of Great Britain, they shall be restored to the Sublime Porte, and given up, with all the cannons, warlike stores, and other effects in the condition in which they were found at the time of their being occupied by England, and this restitution shall be made in the space of thirty-one days from the signature of the present Treaty.

III. Should there be any effects and property belonging to English merchants under sequestration, within the jurisdiction of the Sublime Porte, the same shall be entirely given up, and restored to the proprietors; and in like manner should there be any effects, property, and vessels, belonging to merchants, subjects of the sublime Porte, under sequestration at Malta, or in any other islands and possessions of His Britannic Majesty, they also shall be entirely given up and restored to their proprietors.

IV. The Treaty of Capitulations agreed upon in the Turkish year 1086, (A.D. 1675,) in the middle of the month Gemmaziel Akir, as also the Act relating to the Commerce of the Black Sea, and the other privileges (*Imtiazat*)

s'étant réciproquement communiqués leurs Pleins pouvoirs ont, après plusieurs conférences et discussions, conclu la paix également désirée des deux Puissances, et sont convenus des Articles suivans:

I. Du moment de la signature du présent Traité, tout acte d'hostilité doit cesser entre l'Angleterre et la Turquie, et les prisonniers de part et d'autre doivent, en vertu de cette heureuse paix, être échangés sans hésitation, en trente-un jours après l'époque de la signature de ce Traité, ouplus-tôt si faire se pourra.

II. S'il se trouvera des Places appartenantes à la Sublime Porte dans l'occupation de la Grande Bretagne, elles devront être restituées, et remises à la Sublime Porte, avec tous les canons, munitions et autres effets, dans la même condition où elles se trouvaient lors de leur occupation par l'Angleterre, et cette restitution devra se faire dans l'espace de trente-un jours après la signature de ce présent Traité.

III. S'il y aurait des effets et propriétés appartenans aux négocians Anglais en séquestre sous la jurisdiction de la Sublime Porte, ils doivent être entièrement rendus et remis aux propriétaires; et pareillement s'il y aurait des effets, propriétés et vaisseaux appartenans aux négocians et sujets de la Sublime Porte en séquestre à Malte, ou dans les autres îles et Etats de Sa Majesté Britannique, ils doivent également être entièrement rendus et remis à leurs propriétaires.

IV. Le Traité des Capitulations stipulé en l'année Turque 1086, à la mi de la lune Gemmaziel Akir, ainsi que l'Acte relatif au commerce de la Mer-Noire et les autres privilèges (*Imtiazat*) également établis par des

equally established by Acts at subsequent periods, shall continue to be observed and maintained as if they had suffered no interruption.

V. In return for the indulgence and good treatment afforded by the Sublime Porte to English merchants, with respect to their goods and property, as well as in all matters tending to facilitate their commerce, England shall reciprocally extend every indulgence and friendly treatment to the flag, subjects, and merchants of the Sublime Porte, which may hereafter frequent the Dominions of His Britannic Majesty for the purposes of commerce.

VI. The last custom-house tarif established at Constantinople, at the ancient rate of 3 per cent. and particularly the Article relating to the interior commerce, shall continue to be observed, as they are at present regulated, and to which England promises to conform.

VII. Ambassadors from His Majesty the King of Great Britain shall enjoy all the honours enjoyed by Ambassadors to the Sublime Porte from other nations; and Ambassadors from the Sublime Porte at the Court of London shall reciprocally enjoy all the honours granted to the Ambassadors from Great Britain.

VIII. Consuls *(Shahbenders)* may be appointed at Malta, and in the Dominions of His Britannic Majesty where it shall be necessary to manage and superintend the affairs and interests of merchants of the Sublime Porte, and similar privileges and immunities to those granted to English Consuls resi-

Actes à des époques subséquentes, doivent être observés et maintenus comme par le passé comme s'ils n'avaient souffert aucune interruption.

V. En vertu du bon traitement et de la faveur accordée par la Sublime Porte aux négocians Anglais, à l'égard de leurs marchandises et propriétés, et par rapport à tout ce dont leurs vaisseaux ont besoin, ainsi que dans tous les objets tendant à faciliter leur commerce, l'Angleterre accordera réciproquement sa pleine faveur et un traitement amical aux pavillons, sujets et négocians de la Sublime Porte, qui dorénavant fréquenteront les Etats de Sa Majesté Britannique pour y exercer le commerce.

VI. Le tarif de la douane qui a été fixé à Constantinople en dernier lieu sur l'ancien taux de 3 pour cent, et spécialement l' Article qui regarde le commerce intérieur, seront observés pour toujours, ainsi qu'ils ont été réglés: c'est à quoi l'Angleterre promet de se conformer.

VII. Les Ambassadeurs de Sa Majesté le Roi de la Grande Bretagne jouiront pleinement des honneurs dont jouissent les Ambassadeurs des autres nations près la Sublime Porte, et réciproquement les Ambassadeurs de la Sublime Porte près la Cour de Londres, jouiront pleinement de tous les honneurs qui seront accordés aux Ambassadeurs de la Grande Bretagne.

VIII. Il sera permis de nommer des *Shahbenders* (Consuls) à Malte, et dans les Etats de Sa Majesté Britannique, où il sera nécessaire pour gérer et inspecter les affaires et les intérêts des négocians de la Sublime Porte, et les mêmes traitemens et immunités qui sont pratiqués envers

dent in the Ottoman Dominions, shall be duly afforded to the "*Shahbenders*" of the Sublime Porte.

IX. English Ambassadors and Consuls may supply themselves, according to custom, with such Dragomen as they shall stand in need of, but as it has already been mutually agreed upon, that the Sublime Porte shall not grant the "*Barat*" of Dragoman in favour of individuals who do not execute that duty in the place of their destination, it is settled, in conformity with this principle, that in future, the "*Barat*" shall not be granted to any person of the class of tradesmen or bankers, nor to any shopkeeper or manufacturer in the public markets or to one who is engaged in any matters of this description; nor shall English Consuls be named from among the subjects of the Sublime Porte.

X. English patents of protection shall not be granted to dependants, or merchants who are subjects of the Sublime Porte, nor shall any passport be delivered to such persons, on the part of Ambassadors or Consuls, without permission previously obtained from the Sublime Porte.

XI. As ships of war have at all times been prohibited from entering the canal of Constantinople, *viz.* in the straits of the Dardanelles and of the Black Sea; and as this ancient regulation of the Ottoman Empire is in future to be observed by every Power in time of Peace, the Court of Great Britain promises on its part to conform to this principle.

les Consuls d'Angleterre résidans dans les Etats Ottomans, seront exactement observés envers les *Shahbenders* de la Sublime Porte.

IX. Les Ambassadeurs et Consuls d'Angleterre pourront selon l'usage se servir des Dragomans dont ils ont besoin: mais comme il a été arrêté ci-devant d'un commun accord que la Sublime Porte n'accordera pas de "*Barat*" de Dragoman en faveur d'individus qui n'exerceront point cette fonction dans le lieu de leur destination, il est convenu, conformément à ce principe, que dorénavant il ne sera accordé de "*Barat*" à personne de la classe des artisans et banquiers, ni à quiconque tiendra de boutique et de fabrique dans les marchés publics, ou qui prêtera la main aux affaires de cette nature; et il ne sera nommé non plus des Consuls Anglois d'entre les sujets de la Sublime Porte.

X. La patente de protection Angloise ne sera accordée à personne d'entre les dépendans et négocians sujets de la Sublime Porte, et il ne sera livré à ceux-ci aucen Passeport* de la part des Ambassadeurs ou Consuls sans la permission préalable de la Sublime Porte.

XI. Comme il a été de tout tems défendu aux vaisseaux de guerre d'entrer dans le canal de Constantinople, savoir dans le détroit des Dardanelles, et dans celui de la Mer Noire; et comme cette ancienne régle de l'Empire Ottoman doit être de même observé dorénavant en tems de paix vis-à vis de toute Puissance quelconque, la Cour Britannique promet aussi de se conformer à ce principe.

* Passeport de protection.

XII. The ratifications of the present Treaty of Peace between the high Contracting Parties shall be exchanged at Constantinople in the space of ninety-one days from the date of this Treaty, or sooner if possible. In faith of which, and in order that the ratification of the twelve Articles of this Treaty (which has been happily concluded, by the assistance of God, and in the sincerity and good faith of the Two Parties) may be exchanged; I, Plenipotentiary of the Sublime Porte, have, in virtue of my Full-Powers, signed and sealed this instrument, which I have delivered to the Plenipotentiary of His Britannic Majesty, in exchange for another Instrument exactly conformable thereto written in the French language, with a translation thereof, which has been delivered to me on his part, agreeably to his full Powers.

Done near the Castles of the Dardanelles, the 5th of January, 1809, which corresponds with the year of the Hegira 1223, the 19th day of the Moon *Zilkaade.*

(Sd.) Seyd Mehemmed Emin Vahid Effendi, (L.S.)

(Sd.) Robert Adair, (L.S.)

XII. Les ratifications du présent Traité de Paix entre les hautes Parties Contractantes seront échangées à Constantinople dans l'espace de quatre vingt onze jours, depuis la date du présent Traité, ou plutôt si faire se pourra. En foi de quoi, et afin que la ratification des douze Articles de ce Traité qui vient d'être heureusement conclu avec l'assistance de Dieu, et en vertu de la sincérité et loyauté des deux Parties puissent être échangées; Moi, Plenipotentiaire de la Sublime Porte, ai en vertu de mes Pleins-pouvoirs, signé et cacheté cet Instrument, lequel j'ai remis au Plénipotentiaire Anglois, en échange contre un autre Instrument tout à fait conforme, écrit en langue Françoise, avec sa traduction, qui m'a été remis de sa part, conformément à ses Pleins-pouvoirs.

Fait près des Châteaux des Dardanelles, le 5 Janvier, 1809, qui correspond à l'an de l'Hegire 1223, le 19 de la Lune *Zilkaade.*

(Signé) Seyd Mehemmed Emin Vahid Effendi, (L.S.)

(Signé) Robert Adair, (L.S.)

TURKISH ARABIA.

APPENDIX No. II.—*Page* 3.

OTTOMAN ORDER IN COUNCIL.

At the Court at Windsor, the 12th day of December 1873.

PRESENT:

The QUEEN's Most Excellent Majesty in Council.

WHEREAS Her Majesty the Queen has power and jurisdiction within the dominions of the Sublime Ottoman Porte:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

I.—PRELIMINARY.

1. This Order shall commence and have effect from and immediately after the 31st of December 1873.

2. The Orders and Rules described in the first Schedule to this Order are hereby repealed.

But this repeal shall not affect the past operation of those Orders or Rules, or any of them; nor shall this repeal affect any appointment or deputation made under any of those Orders; and every such appointment and deputation shall continue and be as if this Order had not been made, being nevertheless liable to be revoked, altered, or otherwise dealt with under this Order, as if it had been made under this Order; nor shall this repeal affect any right, title, obligation, or liability accrued, or the validity or invalidity of any thing done under those Orders or Rules, or any of them; nor shall this repeal interfere with the institution or prosecution of any proceeding in respect of any offence committed against, or any penalty or forfeiture incurred under, any of those Orders or Rules.

3. Pending proceedings shall be regulated by this Order, as far as the nature and circumstances of each case admit.

4. In this Order—

"the Secretary of State" means one of Her Majesty's Principal Secretaries of State;

"the Ottoman dominions" means the dominions of the Sublime Ottoman Porte;

"Consular Officer" means a Consul-General, Consul, Vice-Consul, or Consular Agent of Her Majesty resident in the Ottoman dominions including a person acting temporarily, with the approval of the Secretary of State, as or for a Consul-General, Consul, Vice-Consul, or Consular Agent of Her Majesty so resident;

"commissioned Consular Officer" means a Consular Officer not being merely a Consular Agent, and holding a commission of Consul-General, Consul, or Vice-Consul from Her Majesty, including a person acting temporarily, with the approval of the Secretary of State, as or for such a commissioned Consular Officer;

"uncommissioned Consular Officer" means a Consular Officer not holding such a commission, including a person acting temporarily, with the approval of the Secretary of State, as or for such an uncommissioned Consular Officer;

"subject" means a subject of Her Majesty by birth or by naturalization;

"resident" means having a fixed place of abode in the Ottoman dominions;

"native Indian subject" means a native of India as defined in the Act of Parliament of 1858, "for the better government of India," not of European descent;

"a protected person" means a person enjoying Her Majesty's protection;

"Ottoman subject" means a subject of the Sublime Ottoman Porte;

"foreigner" means a subject or citizen of a State in amity with Her Majesty, other than the Sublime Ottoman Porte;

"month" means calendar month;

"pounds" means pounds sterling;

"will" means will, codicil, or other testamentary instrument;

"Office copy" means a copy either made under direction of the Court, or produced to the proper officer of the Court for examination with the original, and examined by him therewith, and in either case sealed with the seal of the Court, as evidence of correctness;

"oath and affidavit," and words referring thereto, or to swearing, may be construed to include affirmation and declaration, and to refer thereto, or to the making of an affirmation or declaration, where an affirmation or declaration is admissible in lieu of an oath or affidavit;

"proved" means shown by evidence on oath in the form of affidavit, or other form, to the satisfaction of the Court of Consular officer acting or having jurisdiction in the matter;

"proof" means the evidence adduced in that behalf;

words importing the plural or the singular may be construed as referring to one person or thing, or to more than one person or thing, and words importing the masculine as referring to females (as the case may require).

For the purposes of this Order the district of the Consulate-General of Constantinople shall be deemed to consist of, and comprise the districts of, the following Consulates and Vice-Consulates, namely:

Adrianople,	Ghio,
Brussa,	Ineboli,
Burgas,	Lemnos,
Dardanelles,	Panorma,
Enos,	Rhodes,
Gallipoli,	Rodosto;

but the Secretary of State may, if he thinks fit, from time to time by order under his hand, enlarge or diminish the district.

II.—General Provisions respecting Her Majesty's Jurisdiction.

5. All Her Majesty's civil jurisdiction exercisable in the Ottoman dominions for the judicial hearing and determination of matters in difference, or for the administration or control of property or persons,—and all Her Majesty's criminal jurisdiction there exercisable for the repression or punishment of crimes or offences or for the maintenance of Order,—shall be exercised under and according to the provisions of this order and not otherwise.

6. Subject to the other provisions of this Order, the civil and criminal jurisdiction aforesaid shall, as far as circumstances admit, be exercised on the principles of and in conformity with the Common Law, the doctrines of Equity, the Statute Law, and other Law for the time being in force in and for England, and with the powers vested in and according to the course of procedure and practice observed by and before Courts of Justice and Justices of the Peace in England, according to their respective jurisdictions and authorities.

7. Nothing in this Order shall deprive Her Majesty's Consular officers of the right to observe and to enforce the observance of, or shall deprive any person of the benefit of, any reasonable custom existing in the Ottoman dominions, except where this Order contains some express and specific provision incompatible with the observance thereof.

8. In any case, in the decision of which under the Capitulations, Articles of Peace, and Treaties with the Sublime Ottoman Porte, any of Her Majesty's Consuls may or ought to concur, a Consular Officer exercising jurisdiction under this Order shall alone act on the part and on behalf of Her Majesty.

III.—Constitution of Her Majesty's Consular Courts.

i.—The Supreme Consular Court at Constantinople.

9. There shall be a Court styled *Her Britannic Majesty's Supreme Consular Court for the dominions of the Sublime Ottoman Porte* (in this Order referred to as the Supreme Court, and comprised in the term "the Court").

10. There shall be one Judge and one Assistant Judge of the Supreme Court.

There shall be attached to the Supreme Court so many officers and clerks as the Secretary of State from time to time thinks fit.

11. Her Majesty's Consul-General at Constantinople for the time being shall be Judge of the Supreme Court; but he shall be appointed to the office of Judge by Her Majesty by a separate warrant under Her Royal sign manual.

He shall be, at the time of his appointment, a member of the Bar of England, Scotland, or Ireland, of not less than seven years' standing, or a subject who has filled the office of Assistant Judge or Law Secretary of the Supreme Court, or the office of Legal Vice-Consul in the Ottoman dominions.

He may, in case of his absence or intended absence from the district of the Consulate-General of Constantinople, either in the discharge of his duty or on leave, or in case of his illness, appoint, by writing under his hand, a fit person to be his Deputy. The Deputy Judge so appointed shall have all the jurisdiction, power, and authority of Judge.

During a vacancy in the office of Judge, or on emergency, a fit person, approved by the Secretary of State, may temporarily be Acting Judge. The Acting Judge shall have all the jurisdiction, power, and authority of Judge.

12. The Assistant Judge shall be appointed by Her Majesty.

He shall hold by commission from Her Majesty the appointment of Vice-Consul.

He shall act as Registrar of the Court.

In case of the absence or illness of the Assistant Judge, or during a vacancy in the office of Assistant Judge, or during the temporary employment of the Assistant Judge in any other capacity, the Judge may, by writing under his hand and the seal of the Supreme Court, appoint a fit person, approved by the Secretary of State, to act temporarily as Assistant Judge. The person so appointed shall have all the jurisdiction, power, and authority of Assistant Judge.

13. The Secretary of State may, from time to time, temporarily attach to the Supreme Court such persons, being Consular Officers, as he thinks fit.

A person thus attached shall discharge such duties in connection with the Court as the Judge from time to time, with the approval of the Secretary of State, directs; and for that purpose shall have the like jurisdiction, power, and authority as the Assistant Judge.

ii.—The Chief Consular Court for Egypt.

14. There shall be a Court styled *Her Britannic Majesty's Chief Consular Court for Egypt* (in this Order referred to as the Court for Egypt, and comprised in the term "the Court").

* Her Majesty's Legal Vice-Consul resident in Egypt for the time being shall be the Judge of the Court, but he shall be appointed to the office of Judge by Her Majesty by a separate warrant under Her Royal sign manual.

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* By a subsequent Order in Council, dated 7th July 1874, this paragraph was modified as follows:—

Her Majesty's Consul at Alexandria for the time being shall be the Judge of Her Britannic Majesty's Chief Consular Court for Egypt; but he shall be appointed to the office of Judge by Her Majesty by a separate warrant under Her Royal sign manual.

He shall be, at the time of his appointment, a member of the Bar of England, Scotland, or Ireland, of not less than seven years' standing, or a subject who has filled the office of Assistant Judge or Law Secretary of the Supreme Court, or the office of Legal Vice-Consul in the Ottoman dominions.

During a vacancy in the office of Judge, or on emergency, a fit person, approved by the Secretary of State, may temporarily be Acting Judge. The Acting Judge shall have all the jurisdiction, power, and authority of Judge.

There shall be attached to the Court a Law Secretary and so many officers and clerks as the Secretary of State from time to time thinks fit.

The Law Secretary shall be appointed by Her Majesty.

He shall hold by commission from Her Majesty the appointment of Vice-Consul.

He shall act as Registrar of the Court.

In case of the absence or illness of the Law Secretary, or during a vacancy in the office of Law Secretary, or during the temporary employment of the Law Secretary in any other capacity, the Judge of the Court for Egypt may, by writing under his hand and the seal of the Court, appoint a fit person, approved by the Secretary of State, to act temporarily as Law Secretary. The person so appointed shall have all the jurisdiction, power, and authority of Law Secretary.

iii.—The Provincial Consular Courts.

15. Every commissioned Consular Officer, with such exceptions (if any) as the Secretary of State from time to time thinks fit to make, shall, for and in his own Consular district, subject to the provisions of this Order, hold and form a Court.

Every uncommissioned Consular Officer, with such exceptions (if any) as the Supreme Court, by writing under the hand of the Judge and the seal of the Court, from time to time thinks fit to make, shall, for and in his own Consular district, subject to the provisions of this Order, hold and form a Court.

Every such Cout shall be styled *Her Britannic Majesty's Consular Court at Smyrna* [*or as the case may be*] (in this Order referred to as a Provincial Court, and comprised in the term "the Court").

IV.—Registration of Subjects and Protected Persons.

16. Every resident subject (except a native Indian subject) and protected person, being of the age of 21 years or upwards,—or being married, or a widower or widow, though under that age,—shall, in January in every year, register himself or herself in a register to be kept at the Consulate of the Consular district within which he or she resides,—subject to this qualification, that the registration of a man shall be deemed to comprise the registration of his wife (unless she is living apart from him), and that the registration of the head of a family, whether male or female, shall be deemed to comprise

the registration of all females, being relatives of the head of the family (in whatever degree of relationship) living under the same roof with the head of the family at the time of his or her registration.

Every non-resident subject (except a native Indian subject) and protected person, arriving in the Ottoman dominions at a place where a Consular office is maintained, unless borne on the muster roll of a British vessel there arriving, shall, within one month after his or her arrival, register himself or herself in a register to be kept at the Consular office there, but so that no person shall be required to register himself or herself more than once in any year, reckoned from the 1st of January.

Any person failing so to register himself or herself, and not excusing his or her failure to the satisfaction of the Consular Officer, shall not be entitled to be deemed a subject or protected person, and shall be deemed guilty of a contempt of Court, and shall be liable to a fine of not more than 40*s*.

17. A native Indian subject resident in or resorting to the Ottoman dominions, may, if he or she thinks fit, register himself or herself at the times and in manner aforesaid.

A native Indian subject not so registering himself or herself shall not be entitled to sue in the Court, or to receive the support or protection, of a Consular Officer with respect to any suit or proceeding to which he or she is a party in a Court or before a judicial officer of the Sublime Ottoman Porte or in a Court or before a judicial officer in the Ottoman dominions of a State in amity with Her Majesty; nor shall a Consular Officer exercise jurisdiction for the punishment of a crime or offence committed by a native Indian subject unless at the date of the commission of the crime or offence he or she was so registered.

18. The Consular Officer shall give to every person registered under this Order a certificate of registration under his hand and Consular seal; and the name of a wife, unless she is living apart from her husband, shall be endorsed on her husband's certificate; and the names and descriptions of females whose registration is comprised in that of the head of the family shall be endorsed on the certificate of the head of the family.

19. Every person shall on every registration of himself or herself be liable to pay a fee of 5*s*.

V.—Juries. Assessors.

20. Every male resident subject, being of the age of 21 years or upwards, having a competent knowledge of the English language,—having or earning a gross income at the rate of not less than 50*l*. a year,—not having been attained of treason or felony or convicted of any crime that is infamous (unless he has obtained a free pardon), and not being under outlawry, shall be qualified to serve on a jury.

21. All persons so qualified shall be liable so to serve, except the following:

Persons in Her Majesty's Diplomatic, Consular, or other Civil Service, in actual employment;

Officers, clerks, keepers of prisons, messengers, and other persons attached to or in the service of the Court;

Officers and others on full pay in Her Majesty's Navy or Army, or in actual employment in the service of any Department connected therewith;

Persons holding appointments in the Civil Service, and Commissioned Officers in the Naval or Military Service, of the Sublime Ottoman Porte;

Clergymen and ministers in the actual discharge of professional duties;

Advocates and attorneys in actual practice;

Physicians, surgeons, apothecaries in actual practice;
and except persons disabled by mental or bodily infirmity.

22. The jury list for each district shall be revised and settled not later than the 1st of March in every year, and when settled shall be affixed in some conspicuous place in the Court, and be there exhibited during not less than two months.

The list, as settled, shall be brought into use in every year on the 1st of March, and shall be used as the jury list of the district for the twelve months then next ensuing.

23. Where there is to be a hearing with a jury, the Court shall summon so many of the persons comprised in the jury list, not fewer than twelve, as seem requisite.

Any person failing to attend according to the summons shall be deemed guilty of a contempt of Court and shall be liable to such fine, of not more than 10*l.*, as the Court thinks fit to impose.

The fine shall not be levied until after the expiration of fourteen days. The proper officer of the Court shall forthwith give to the person fined notice in writing of the imposition of the fine, and require him, within six days after receipt of the notice, to file an affidavit excusing his non-attendance (if he desires to do so). The Court shall consider the affidavit, and may, if it thinks fit, remit the fine.

24. A jury shall consist of five jurors.

25. In civil and in criminal cases the like challenges shall be allowed as in England, with this addition that in civil cases each party may challenge three jurors peremptorily.

26. A jury shall be required to give an unanimous verdict.

27. An assessor shall be a competent and impartial subject, of good repute, resident in the district of the particular Court, and nominated and summoned by the Court, for the purpose of acting as assessor.

28. In the Supreme Court, or in the Court for Egypt, there may be one assessor or two assessors, as the Court thinks fit.

In a Provincial Court there shall ordinarily be not fewer than two, and not more than four, assessors. Where, however, by reason of local circumstances,

the Court is able to obtain the presence of one assessor only, the Court may, if it thinks fit, sit with one assessor only; and where, for like reasons, the Court is not able to obtain the presence of any assessor, the Court may, if it thinks fit, sit without an assessor,—the Court, in every case, recording in the minutes its reasons for sitting with one assessor only or without an assessor.

29. An assessor shall not have any voice in the decision of the Court in any case, civil or criminal; but an assessor dissenting in a civil case from any decision of the Court, or, in a criminal case, from any decision of the Court or the conviction or the amount of punishment awarded, may record in the minutes his dissent, and the grounds thereof, and shall be entitled to receive without payment, a certified copy of the minutes.

VI.—General Authorities and Procedure.

30. All Her Majesty's jurisdiction, civil and criminal, shall, for and within the district of the Consulate-General of Constantinople, be vested exclusively in the Supreme Court as its ordinary original jurisdiction.

31. All Her Majesty's jurisdiction, civil and criminal, not under this Order vested exclusively in the Supreme Court, shall, to the extent and in the manner provided by this Order, be vested in the Court for Egypt, and in the Provincial Courts each for and within the Consular district of the Consular Officer by whom the Provincial Court is held.

32. The Supreme Court shall have in all matters, civil and criminal, an original jurisdiction concurrent with the jurisdiction of the Court for Egypt and of the several Provincial Courts, to be exercised subject and according to the provisions of this Order.

33. The Supreme Court shall ordinarily sit at Constantinople, but may, on emergency, sit at any other place within the district of the Consulate-General of Constantinople, and may at any time transfer its ordinary sittings to any such place as the Secretary of State approves.

34. The Judge of the Supreme Court may, if and when he thinks fit, visit in a magisterial or judicial capacity any place in the Ottoman dominions, and there enquire of, or hear and determine, any case, civil or criminal,—or may direct the Assistant Judge of the Supreme Court to visit in the like capacity, and for the like purpose any place in the Ottoman dominions. The Assistant Judge shall in every such case, subject to the provisions of this Order, have the like jurisdiction, power, and authority as the Judge of the Supreme Court.

35. The Court for Egypt shall have in all matters, civil and criminal, an original jurisdiction, concurrent with the jurisdiction of the several Provincial Courts in Egypt, to be exercised subject and according to the provisions of this Order.

36. The Court for Egypt shall ordinarily sit at Alexandria or Cairo, but may at any time transfer its ordinary sittings to any such place in Egypt as the Secretary of State approves.

37. The Judge of the Court for Egypt may, if and when he thinks fit, visit in a magisterial or judicial capacity any place in Egypt, and there enquire of, or hear and determine, any case, civil or criminal.

38. A Provincial Court held before a commissioned Consular Officer shall have in all matters, civil and criminal, an original jurisdiction concurrent with the jurisdiction of the several Provincial Courts (if any) held within the district of the first-mentioned Court before uncommissioned Consular Officers, to be exercised subject and according to the provisions of this Order.

39. The Court for Egypt or a Provincial Court may, of its own motion, or on the application of any person concerned, report to the Supreme Court the pendency of any case, civil or criminal, which appears to the Court for Egypt or the Provincial Court fit to be heard and determined by the Supreme Court.

The Supreme Court shall thereupon direct in what mode and where the case shall be heard and determined, and the same shall be so heard and determined accordingly.

40. The Supreme Court, the Court for Egypt, and each Provincial Court held before a commissioned Consular officer shall, in the exercise of every part of its jurisdiction, be a Court of Record.

41. The Court for Egypt and each Provincial Court shall execute a writ or order issuing from the Supreme Court, and shall take security from any person named in a writ or order for his appearance personally or by attorney, and shall, in default of security being given, or when the Supreme Court so orders, send the person to Constantinople on board one of Her Majesty's vessels of war, or, if none is available, then on board some British or other fit vessel.

The order of the Court shall be sufficient authority to the Commander or master of the vessel to receive and detain the person, and to carry him to and deliver him up to Constantinople, according to the order.

42. The Supreme Court, the Court for Egypt, and each Provincial Court shall be auxiliary to one another in all particulars relative to the administration of justice, civil or criminal.

43. Each Provincial Court shall every twelve months furnish to the Supreme Court a report of every case, civil and criminal, brought before it in such form as the Supreme Court from time to time directs.

44. A suit or proceeding shall not be commenced in the Court against any person for anything done or omitted under this Order, unless notice in writing is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the suit or proceeding, nor unless it is commenced within three months next after the act or omission complained of, or in case of a continuation of damage, within three months next after the ceasing of the damage.

The plaintiff in such a suit shall not succeed if tender of sufficient amends is made by the defendant before the commencement thereof; and if no tender is made, the defendant may, by leave of the Court, at any time

pay into Court such sum of money as he thinks fit; and thereupon such proceeding and order shall be had and made in and by the Court, as the Court thinks just.

Sale of Copies.

45. A copy of this Order shall be exhibited in each Court. Printed copies shall be provided and shall be sold at such reasonable price as the Supreme Court directs.

Forms.

46. The forms set forth in the Second Schedule to this Order, or forms to the like effect, may be used with such variations as circumstances require.

Fees.

47. The fees specified in the Third Schedule to this Order shall be paid.

Reconciliation.

48. In civil cases, the Court and its officers shall, as far as there is proper opportunity, promote reconciliation among persons over whom the Court has jurisdiction, and encourage and facilitate the settlement in an amicable way, and without recourse to litigation, of matters in difference among them.

Where a civil suit or proceeding is pending, the Court may promote reconciliation among the parties thereto, and encourage and facilitate the amicable settlement thereof.

In criminal cases, the Court may promote reconciliation and encourage and facilitate the settlement in an amicable way of proceedings for assault or for any other offence not amounting to felony and being of a private or personal character, on terms of payment of compensation or other terms approved by the Court, and may thereupon order the proceedings to be stayed.

Language.

49. Every summons, order, and other document issuing from the Court shall be in English or Italian or in English and Italian.

Every petition, answer, and other document filed in the Court in a civil or criminal proceeding by a party thereto shall be in English, or French, or Italian.

Every affidavit used in the Court shall be in English or in the ordinary language of the person swearing it.

An affidavit in any language other than English, or French, or Italian, shall be accompanied by a sworn translation into English, or French, or Italian, procured by and at the expense of the person using the affidavit.

Where there is a jury, all the proceedings before the jury shall be conducted in English,—evidence, if given in any other language, being interpreted.

Seals.

50. Summonses, orders, and other documents issuing from the Supreme Court, or from the Court for Egypt, shall be sealed with the seal of that Court.

Those issuing from a Provincial Court shall be sealed with the official seal of the Consular officer by whom they are issued.

Minutes of Proceedings.

51. In every case, civil or criminal, minutes of the proceedings shall be drawn up, and shall be signed by the Judge or Consular Officer before whom the proceedings are taken, and shall, where the suit is heard with assessors, be open for their inspection and for their signature if concurred in by them.

These minutes, with the depositions of witnesses, and the notes of evidence taken at the hearing or trial by the Judge or Consular Officer; shall be preserved in the public office of the Court.

Counsel, Attorneys, and Agents.

52. Every person doing an act or taking a proceeding in the Court as plaintiff in a civil case, or as making a criminal charge against another person, or otherwise, shall do so in his own name and not otherwise, and either—

(a) by himself; or

(b) by his counsel or attorney-at-law; or

(c) by his procurator or agent thereunto lawfully authorized in writing.

Where the act is done or proceeding taken by an attorney, procurator, or agent, the power of attorney, or instrument constituting the procurator or agent, or an authenticated copy thereof, shall be first filed in the Court.

Where the authority has reference only to the particular proceeding the original document shall be filed.

Where the authority is general, or has reference to other matters in which the attorney, procurator, or agent is empowered to act, an authenticated copy of the document may be filed.

If any person does an act or takes a proceeding in the Court in the name or on behalf of another person, not being lawfully authorized thereunto, and knowing himself not to be so authorized, he shall be deemed guilty of a contempt of Court.

Where in this Order appearance is referred to, appearance in person, or by counsel, attorney, procurator, or agent as aforesaid, is meant, unless it is otherwise expressed.

Service.

53. Service of a petition, notice, summons, order, or other document of which service is required by this Order, or according to the course of the Court, shall be made by an officer of the Court, unless in any case the Court thinks fit otherwise to direct.

Service shall not be made except under an order of the Court endorsed on or subscribed or annexed to the document to be served, which order is for the purposes of this Order deemed part of the document to be served.

Unless in any case the Court thinks it just and expedient otherwise to direct, service shall be personal,—that is, the document to be served shall be delivered to the person to be served himself.

Where it appears to the Court (either after or without an attempt at personal service) that for any reason personal service cannot be conveniently effected, the Court may order that service be effected either—

(i) by delivery of the document to some adult inmate at the usual or last known place of abode or business within the particular jurisdiction of the person to be served; or

(ii) by delivery thereof to some person being an agent of the person to be served, or to some other person within the particular jurisdiction, on it being proved that there is reasonable probability that the document will, through that agent or other person, come to the knowledge of the person to be served; or

(iii) by advertisement in some newspaper circulating within the particular jurisdiction; or

(iv) by notice put up at the Court or at some other place of public resort within the particular jurisdiction.

An order for service may be varied from time to time with respect to the mode of service directed by the order.

Service not required to be personal shall be made before five o'clock in the evening.

If made after that hour on any day but Saturday, it shall be considered as made on the following day.

If made after that hour on Saturday, it shall be considered as made on the following Monday.

Service shall not be made on Sunday, Christmas Day, or Good Friday.

Ordinarily, service shall not be made out of the particular jurisdiction, except under an order for that purpose made by the Court within whose jurisdiction service is to be made, which order may be made on the request of any other Court, and shall in each case direct in what mode service is to be made.

Where, however, the urgency or other peculiar circumstances of the case appear to any Court so to require (for reasons recorded in the minutes), the Court may order that service be made out of its particular jurisdiction.

Computation of Time.

54. Where by this order, or any order of the Court, or the course of the Court, any limited time from or after any date or event is appointed or

allowed for the doing of any act, or the taking of any proceeding, and the time is not limited by hours, the following rules shall apply :—

(i) the limited time does not include the day of the date of or the happening of the event, but commences at the beginning of the day next following that day;

(ii) the act or proceeding must be done or taken at latest on the last day of the limited time;

(iii) where the limited time is less than six days, the following days shall not be reckoned as part of the time, namely Sunday, Good Friday, Monday and Tuesday in Easter week, Christmas Day, and the day next before and the day next after Christmas Day;

(iv) where the time expires on one of those days, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards not being one of those days.

Discretion of Court as to Practice.

55. Notwithstanding anything in this Order, the Court (for reasons recorded in the minutes) may at any time, and from time to time, do any of the following things as the Court thinks just :—

(i) defer or adjourn the hearing or determination of any suit, matter, proceeding, or application;

(ii) order or allow any amendment of any petition, answer, notice, or other document;

(iii) appoint or allow a time for, or enlarge or abridge the time appointed or allowed for, or allow further time for, the doing of any act or the taking of any proceeding.

56. The Court on making any order which it is in its discretion to make, may make the order on such terms respecting time, costs, and other matters as the Court thinks fit.

Obstruction or Disturbance of Court.

57. If any person wilfully obstructs by act or threat an officer of the Court in the performance of his duty;

Or within or close to the room or place where the Court is sitting, wilfully misbehaves in a violent, threatening, or disrespectful manner, to the disturbance of the Court, or to the terror of the suitor or others resorting thereto;

Or wilfully insults the Judge, or any Consular Officer, or any assessor or juror, or any clerk or officer of the Court, during his sitting or attendance in Court, or in his going to or returning from Court;—

He shall be liable to be immediately apprehended by order of the Court, and to be detained until the rising of the Court, and on enquiry and consideration then and there, and without further trial, to be punished with a fine of not more than 5*l.*, or imprisonment for not more than seven days, in the discretion of the Court.

A minute shall be made and kept of every such case of punishment, recording the facts of the offence, and the extent of the punishment; and in the case of a Provincial Court, a copy of the minute shall be forthwith sent to the Supreme Court.

Misconduct of Officers of Court.

58. If an officer of the Court employed to execute an order, by neglect or omission loses the opportunity of executing it, then on complaint of the person aggrieved, and proof of the fact alleged, the Court may, if it thinks fit, order the officer to pay the damages sustained by the person complaining, or part thereof, and the order shall be enforced as an order directing payment of money.

59. If a clerk or officer of the Court, acting under pretence of the process or authority of the Court, is charged with extortion or with not duly paying over money levied, or with other misconduct, the Court, if it thinks fit, may (without prejudice to any other liability or punishment to which the clerk or officer would, in the absence of the present provision, be liable) enquire into the charge in a summary way, and may for that purpose summon and enforce the attendance of all necessary persons as in a suit, and may make such order for the repayment of any money extorted, or for the payment over of any money levied, and for the payment of such damages and costs as the Court thinks just; and the Court may also, if it thinks fit, impose on the clerk or officer such fine, not exceeding 10*l.* for each offence, as the Court thinks just.

Fees and other Money.

60. All costs and all charges and expenses of witnesses, prosecutions, punishments, and deportations, and other charges and expenses, and all fees, fines, forfeitures, and pecuniary penalties payable under this Order, may be levied by distress and seizure and sale of ships, goods, and lands; and any bill of sale, or mortgage, or transfer of property made with the view of avoiding such distress, seizure, or sale shall not be permitted to defeat the provisions of this Order.

61. All fees, fines, forfeitures, and pecuniary penalties levied under this Order shall be carried to the public account, and be applied in diminution of the public expenditure on account of Her Majesty's Consular service in the Ottoman dominions.

Witnesses.

62. In any case, civil or criminal, and at any stage thereof, the Court, either of its own motion, or on the application of any party, may summon a subject or protected person, being within the particular jurisdiction, to attend to give evidence, or to produce documents, or to be examined.

If the person summoned, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court, he shall (inde-

pendently of any other liability) be deemed guilty of an offence against this Order, and be liable to a fine of not more than 100*l.*, or to imprisonment for not more than one month, in the discretion of the Court.

63. In a criminal case, where it is proved that a subject or protected person within the particular jurisdiction is likely to give material evidence, either for the prosecution or for the defence, and that he will not voluntarily attend to give evidence, the Court shall issue a summons for his attendance.

If he does not obey the summons, and does not excuse his failure to the satisfaction of the Court, then (after proof of the service of the summons) the Court may issue a warrant to compel his attendance.

Where it is proved to be probable that a person who might be so summoned will not attend to give evidence unless compelled to do so, then the Court, instead of issuing a summons, may issue a warrant in the first instance.

If any such person on his appearance, either in obedience to a summons, or on being brought up under a warrant, refuse to take an oath, or having taken an oath to answer any question put to him, and does not excuse his refusal to the satisfaction of the Court, then the Court may, by warrant, commit him to prison, there to remain for not more than seven days, unless he in the meantime consents to answer duly on oath.

64. If in any case, civil or criminal, a subject or protected person wilfully gives false evidence on oath in the Court, or on a reference, he shall be deemed guilty of wilful and corrupt perjury.

65. In a civil case, the Court may, if it thinks fit, order that the expenses of a witness, on his appearing to give evidence, be defrayed by the parties, or any of them.

66. In any case, civil or criminal, and at every stage thereof, the Court, on the application of either party, or of its own motion, may order witnesses on both sides to be kept out of Court until they have respectively given their evidence; but this provision does not extend to the parties themselves, or to their respective legal advisers, although intended to be called as witnesses.

67. In every case, civil or criminal, and at every stage thereof, the Court shall take a note of the substance of all oral evidence taken before it in a narrative form, but shall put down the terms of any particular question or answer, if there appears reason for doing so.

No person shall be entitled as of right, at any time or for any purpose, to inspection or a copy of the Court's notes of evidence.

68. In every case, civil or criminal, and at every stage thereof, each witness, after examination in chief, is subject to be cross-examined by the other party, and to be re-examined by the party calling him, and after re-examination may be questioned by the Court, and shall not be recalled or further questioned save through and by leave of the Court.

69. In a civil case, where evidence taken by affidavit, or by commission, or on deposition, is offered, the party offering it may read it before or after the oral evidence on his part is concluded.

70. In every case, civil or criminal, and at every stage thereof any objection to the reception of evidence shall be made at the time the evidence is offered, and shall be argued and decided at the time.

Where a question proposed to be put to a witness is objected to, the Court, unless the objection appears frivolous, shall, if required by either party, take a note of the question and objection, and mention on the notes whether the question was allowed to be put or not, and the answer to it, if put.

71. In a civil case, where a person whose evidence would have been admissible is dead or insane, or for any reason appearing sufficient to the Court, is not present to give evidence, the Court may, if it thinks fit, receive proof of any evidence given by him in any former judicial proceeding; provided that the subject-matter of the former proceeding was substantially the same as that of the pending proceeding, and that the parties to the pending proceeding were parties to the former proceeding or bound by it, and had an opportunity in it of cross-examining the person of whose evidence proof is so to be given.

72. In a criminal case, if it is proved that a person whose deposition has been taken is dead, or is so ill as not to be able to travel, and that his deposition was taken in the presence of the accused, and that the accused had full opportunity of cross-examining the witness, the deposition may be given in evidence.

73. In a criminal case, any statement made by the accused at the preliminary examination, in answer to the question put to him by the Court, as prescribed by this Order, may be given in evidence against him on the trial.

74. In a criminal case, nothing in this Order shall prevent the prosecutor from giving in evidence at the trial any omission or confession, or other statement of the accused made at any time, which would by law, independently of this Order, be admissible as evidence against him.

75. In a civil case, where the circumstances of the case appear to the Court so to require, for reasons recorded in the minutes, the Court may, when a suit or application is pending, take the evidence of any witness at any time as preparatory to the hearing, and the evidence so taken may be used at the hearing, subject to just exceptions.

Any Court or Consular Officer shall, on the request in writing of any Court before which a suit or application is pending, so take evidence for purposes of the suit or application.

The evidence shall be taken in like manner, as nearly as may be, as evidence at the hearing of a suit is to be taken, and then the note of the evidence shall be read over to the witness and tendered to him for signature, and if he refuses to sign it, the Court shall add a note of his refusal, and the evidence may be used as if he had signed it.

Evidence may be taken in like manner on the application of any person, although no suit or application is pending where it is proved that the person applying has good reason to apprehend that a proceeding will be taken against

him in the Court, and that some person within the particular jurisdiction at the time of application can give material evidence respecting the subject of the apprehended proceeding, but that he is about to leave the particular jurisdiction, or that from some other cause the person applying will lose the benefit of his evidence if it is not at once taken.

Affidavits.

76. Before an affidavit is used in the Court for any purpose, the original shall be filed in the Court and the original or an office copy shall alone be recognized for any purpose in the Court.

An affidavit sworn before a Consular Officer of Her Majesty, authorized to take affidavits in any country, or before a Judge, or other person in the United Kingdom or in a British colony or possession, authorized to take affidavits, or before a Mayor or other Magistrate in a foreign country, authorized to administer an oath, or in the case of a foreigner being in the Ottoman dominions before his own proper Consular authority, may be used in the Court subject to the rules of evidence.

An affidavit shall not be admitted if it is proved that it has been sworn before a person on whose behalf it is offered, or before his attorney, or before a partner or clerk of his attorney.

An affidavit may be used notwithstanding any defect in form, if it is proved that it has been sworn before a person duly authorized, and that the form thereof and that of the attestation thereto are in accordance with the law and custom of the place where it has been sworn.

A defective or erroneous affidavit may be amended and re-sworn, by leave of the Court in which it is to be used.

The Court may, if it thinks fit, for reasons recorded in the minutes, admit an affidavit in evidence, although it is shown that the party against whom the affidavit is offered in evidence had no opportunity of cross-examining the person making the affidavit.

77. Every affidavit used in the Court shall contain only a statement of facts and circumstances to which the witness deposes, either from his own personal knowledge or from information which he believes to be true.

It shall not contain extraneous matter, by way of objection, or prayer, or legal argument or conclusion.

Where a witness deposes to his belief in any matter of fact, and his belief is derived from any source other than his own personal knowledge, he shall set forth explicitly the facts and circumstances forming the ground of his belief.

Where his belief is derived from information received from another person, the name of his informant shall be stated, and reasonable particulars shall be given respecting the informant, and the time, place, and circumstances of the information.

78. The following regulations shall be observed by Consular Officers before whom affidavits are taken:

Every affidavit taken in the matter of a suit or proceeding shall be headed in the Court, and in the suit or proceeding.

Every affidavit shall state the full name, trade or profession, address, and nationality of the witness.

It may be in the first or in the third person, and may be divided into convenient paragraphs numbered consecutively.

Any erasure, interlineation or alteration, made before the affidavit is sworn, shall be attested by the Consular Officer, who shall affix his signature or initials in the margin immediately opposite to the interlineation, alteration, or erasure.

Where an affidavit proposed to be sworn is illegible, or difficult to read, or is in the judgment of the Consular Officer so written as to facilitate fraudulent alteration, he may refuse to swear the witness, and may require the affidavit to be re-written.

The affidavit when sworn shall be signed by the witness (or if he cannot write marked by him with his mark) in the presence of the Consular Officer.

The jurat shall be written without interlineation, alteration, or erasure immediately at the foot of the affidavit, and towards the left side of the paper, and shall be signed by the Consular Officer, and be sealed by him with his Consular seal.

It shall state the date of the swearing, and the place where it is sworn.

It shall state that the affidavit was sworn before the Consular Officer.

Where the witness is blind or illiterate, it shall state that fact, and that the affidavit was read over to him in the presence of the Consular Officer, and that the witness appeared to understand it.

Where the witness makes a mark instead of signing, the jurat shall state that fact, and that the mark was made in the presence of the Consular Officer.

Where two or more persons join in making an affidavit, their several names shall be written in the jurat, and it shall appear by the jurat that each of them has been sworn to the truth of the several matters stated by him in the affidavit.

The Consular Officer shall not allow an affidavit when sworn to be altered in any manner without being re-sworn.

If the jurat has been added and signed, he shall add a new jurat on the affidavit being re-sworn; and in the new jurat he shall mention the alteration.

He may refuse to allow the affidavit to be re-sworn, and may require a fresh affidavit.

Documentary Evidence.

79. In a civil case any party may call on any other party by notice filed and served to admit any document, subject to just exceptions.

In case of refusal or neglect to admit, the costs of proof of the document shall be paid by the party neglecting or refusing, unless the Court is of opinion that the refusal to admit was reasonable.

No costs of proof of any document shall be allowed unless notice to admit has been given, except in cases where the omission to give notice has, in the opinion of the Court, produced a saving of expense.

Every document offered as evidence, and not objected to, shall be put in and read, or taken as read by consent.

Every document put in evidence shall be marked by the Court at the time, and shall be retained by the Court during the hearing and returned to the party who put it in, or from whose custody it came, immediately after the judgment, unless it is impounded by order of the Court.

Commissions to examine out of Ottoman Dominions.

80. The Supreme Court may, if it thinks fit, order that a commission do issue for examination of witnesses at any place out of the Ottoman dominions, on oath, by interrogatories or otherwise, and may, from time to time, by order, give such directions touching the time, place, and manner of the examination, or anything connected therewith, as to the Court appear reasonable and just.

Ottoman Subjects and Foreigners.

81. Where an Ottoman subject or foreigner desires to institute or take in the Court a suit or proceeding of a civil nature against a subject or protected person—or a subject or protected person desires to institute or take in the Court a suit or proceeding of a civil nature against an Ottoman subject or foreigner—the Court shall entertain the same, and shall hear and determine it, either by the Judge or proper Consular Officer sitting alone, or, if all parties desire, or the Court thinks fit to direct, a trial with a jury or assessors, then at place where such a trial might be had if all parties were subjects, by the Judge or proper Consular officer with a jury or assessors, but in all other respects according to the ordinary course of the Court:

Provided that the Ottoman subject or foreigner first obtains and files in the Court the consent in writing of the competent authority on behalf of the Sublime Ottoman Porte or of his own nation (as the case may be) to his submitting, and does submit, to the jurisdiction of the Court, and, if required by the Court, gives security to the satisfaction of the Court, by deposit or otherwise, to pay fees, damages, costs, and expenses, and abide by and perform such decision as shall be given by the Court originally or on appeal (as the case may require).

82. A cross-suit shall not be instituted in the Court against a plaintiff, being an Ottoman subject or foreigner who has submitted to the jurisdiction, by a defendant, without leave of the Court first obtained.

The Court before giving leave shall require proof from the defendant that his claim arises out of the subject-matter in dispute, and that there is reasonable ground for it, and that it is not made for vexation or delay.

Nothing in this provision shall prevent the defendant instituting or taking in the Court any suit or proceeding against the Ottoman subject or foreigner after the termination of the suit or proceeding in which the Ottoman subject or foreigner is plaintiff.

83. Where an Ottoman subject or foreigner obtains in the Court an order against a defendant being a subject or protected person, and in another suit that defendant is plaintiff and the Ottoman subject or foreigner is defendant, the Court may, if it thinks fit, on the application of the subject or protected person, stay the enforcement of the order pending that other suit, and may set off any amount ordered to be paid by one party in one suit against any amount ordered to be paid by the other party in the other suit.

Where a plaintiff, being an Ottoman subject or foreigner, obtains an order in the Court against two or more defendants being subjects or protected persons jointly, and in another suit one of them is plaintiff and the Ottoman subject or foreigner is defendant, the Court may, if it thinks fit, on the application of the subject or protected person, stay the enforcement of the order pending that other suit, and may set off any amount ordered to be paid by one party in one suit against any amount ordered to be paid by the other party in the other suit, without prejudice to the right of the subject or protected person to acquire contribution from his co-defendants under the joint liability.

84. Where an Ottoman subject or foreigner is co-plaintiff in a suit with a subject or protected person who is within the particular jurisdiction, it shall not be necessary for the Ottoman subject or foreigner to make deposit or give security for costs unless the Court so directs, but the co-plaintiff subject or protected person shall be responsible for all fees and costs.

Ottoman or Foreign Tribunal.

85. Where it is proved that the attendance within the particular jurisdiction of a subject or protected person to give evidence, or for any other purpose connected with the administration of justice, is required in a Court or before a judicial officer of the Sublime Ottoman Porte, or of a State in amity with Her Majesty, the Court may, if it thinks fit, in a case and in circumstances in which the Court would require his attendance before the Court, order that he do attend in such Court or before such judicial officer, and for such purposes as aforesaid.

If the person ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court, he shall (independently of any other liability) be deemed guilty of an offence against this Order, and he shall for every such offence, on conviction thereof, by summary trial, be liable to a fine of not more than 50*l.*, or to imprisonment for not more than one month, in the discretion of the Court.

VII.—Civil Authority and Procedure.

86. Each Court shall be a Court of Law and of Equity; and (subject to the provisions of this Order) shall have and may exercise all jurisdiction,

power, and authority, legal, equitable, or other, which any Consul of Her Majesty by custom has or may exercise in the Ottoman dominions.

i.—Bankruptcy.

87. Each Court shall be a Court of Bankruptcy, and as such shall, as far as circumstances admit, have, for and within its own district, with respect to resident subjects and protected persons, and to their debtors and creditors, being either resident subjects or protected persons, or Ottoman subjects or foreigners submitting to the jurisdiction of the Court, all such jurisdiction as for the time being belongs to the Court of Bankruptcy and the County Courts in England, or to any other judicial authority having for the time being jurisdiction in Bankruptcy in England.

ii.—Admiralty.

88. The Supreme Court shall be a Court of Vice-Admiralty, and as such shall, for and within the Ottoman dominions, and for vessels and persons coming within those dominions, have all such jurisdiction as for the time being ordinarily belongs to Courts of Vice-Admiralty in Her Majesty's possessions abroad.

The Court of Egypt shall be a Court of Vice-Admiralty, and as such shall, for its own district, and for vessels and persons coming within that district, have the like jurisdiction.

iii.—Lunacy.

89. The Supreme Court shall, as far as circumstances admit, have in itself exclusively, for and within the Ottoman dominions, with respect to resident subjects and protected persons, all such jurisdiction relative to the custody and management of the persons and estates of persons of unsound mind, as for the time being belongs to the Lord Chancellor or other person or persons in England entrusted by virtue of Her Majesty's sign manual with the care and commitment of the custody of the persons and estates of persons found by inquisition in England idiot, lunatic, or of unsound mind.

iv.—Matrimonial Causes.

90. The Supreme Court shall be a Court for Matrimonial Causes, and, as such, shall, as far as circumstances admit, have in itself exclusively, for and within the Ottoman dominions, with respect to resident subjects and protected persons, all such jurisdiction, except the jurisdiction relative to dissolution or nullity or jactitation of marriage, as for the time being belongs to the Court for Divorce and Matrimonial Causes in England.

v.—Probate.

31. The Supreme Court shall be a Court of Probate, and as such shall, as far as circumstances admit, have, for and within the Ottoman dominions,

with respect to the property of deceased resident subjects or protected persons, all such jurisdiction as for the time being belongs to Her Majesty's Court of Probate in England.

The Court for Egypt or a Provincial Court shall, however, also have power to grant probate or letters of administration where there is no contention respecting the right to the grant, and it is proved that the deceased was resident at his death within the particular jurisdiction. That probate or administration shall have effect over all the property of the deceased within the Ottoman dominions, and shall effectually discharge persons dealing with an executor or administrator thereunder, notwithstanding that any defect afterwards appears in the grant. The grant shall not be impeachable by reason only that the deceased was not at the time of his death resident within the particular jurisdiction.

92. A subject or protected person may in his lifetime deposit for safe custody in the Court, his own will, sealed up under his own seal and the seal of the Court.

vi.—Special Jurisdictions.

93. Where a civil suit or proceeding originally instituted in the Supreme Court—

(i) relates to money, goods, or other property, or any civil right or other matter, at issue, of a less amount or value than 100*l.*; or

(ii) is instituted for recovery of damages of a less amount than 100*l.*;

the Judge may refer the same to the Assistant Judge to be heard and determined by him, and the same shall be so heard and determined accordingly; but an appeal shall lie as of course to the Judge.

94. Where a civil suit or proceeding originally instituted in the Court for Egypt—

(i) relates to money, goods, or other property, or any civil right or other matter, at issue, of a less amount or value than 100*l.*; or

(ii) is instituted for recovery of damages of a less amount than 100*l*;

the Judge may refer the same to the Law Secretary to be heard and determined by him, and the same shall be so heard and determined accordingly; but an appeal shall lie as of course to the Judge.

95. The Supreme Court may, from time to time, by deputation in writing under the hand of the Judge and the seal of the Court, authorize the Consul-General at Tunis to refer from time to time to the Vice-Consul at Tunis such civil cases as are described in the deputation; and all cases referred in pursuance thereof shall be so heard and determined accordingly; but an appeal shall lie as of course to the Consul-General at Tunis.

The deputation shall not have effect until it has been approved in writing by the Secretary of State, and may at any time be revoked by the Secretary of State by writing under his hand, or by the Supreme Court by writing under the hand of the Judge and the seal of the Court.

96. A Provincial Court held before an uncommissioned Consular Officer shall not have jurisdiction except where the claim—

(i) relates to money, goods, or other property, or any civil right or other matter, at issue, of a less amount or value than 10*l.*; or

(ii) is instituted for recovery of damages of a less amount than 10*l.*

vii.—ARBITRATION.

97. The Court may, with consent of parties, refer to arbitration the final determination of any suit or proceeding pending, or of all matters in difference between the parties, on such terms and with such directions as to appointment of an arbitrator and other things as the Court thinks fit, with or without security from the parties, or any of them, that they will abide by the result of the reference.

In any such case the award shall be final and conclusive.

On the application of any party a decree of the Court may be entered in conformity with the award, and the decree shall not be open to appeal or re-hearing.

98. Every agreement for reference to arbitration or submission to arbitration by consent between or by subjects or protected persons, or subjects and protected persons, may, on the application of any party, be made a rule of the Court having jurisdiction in the matter of the reference or submission; and that Court shall thereupon have authority to enforce the agreement or submission and the award made thereunder, and to control and regulate the proceedings before and after the award, in such manner and on such terms as the Court thinks just.

The following provisions respecting arbitration apply exclusively to cases where the agreement for reference to arbitration or submission to arbitration by consent is so made a rule of Court.

99. The arbitrators shall make their award within one month after they have entered on the reference or have been called on to act by a notice in writing from any party, unless the document authorizing or making the reference contains a different limit of time.

100. The Court may, if it thinks fit on reasonable notice to all parties from time to time, enlarge the time for making the award for such time as the Court thinks just, the reasons for enlargement being recorded in the minutes.

101. An umpire may enter on the reference in lieu of the arbitrators, if the arbitrators have allowed their time, or their extended time, to expire without making an award, or have filed in the Court a notice in writing that they cannot agree.

102. The authority of arbitrators or an umpire is not revocable, except by the Court.

103. Where it appears to the arbitrators or umpire that any difficult question of law is involved in or raised by the facts as finally ascertained by them or him, they or he may, if it seems to them or him fit, state the award

(as to the whole or any part thereof) in the form of a case for the opinion of the Court having jurisdiction in the matter, or of the Supreme Court.

The Court shall consider and deliver judgment on the case, and shall be at liberty to draw inferences of fact from the facts stated, and to amend the case by reason of any irregularity, mistake, or imperfection.

104. The arbitrators or umpire shall have power to award how the costs of the reference shall be borne, in the whole or in part.

But an award respecting costs shall not preclude a party against whom costs are awarded from applying to the Court to tax the costs; and on that application the costs, including the remuneration (if any) of the arbitrators and umpire, or any of them, shall be taxed at a reasonable rate by the Court; and the Court shall make such order respecting the costs or taxation as the Court thinks just.

105. The award shall be in writing signed by the arbitrators or umpire making it.

It shall contain a conclusive finding, and may not find on the contingency of any matter of fact being afterwards substantiated or deposed to. It shall comprehend a finding on each of the several matters referred.

106. The arbitrators or umpire making an award shall, within the time limited, deposit the award in the Court, enclosed in a sealed cover, and endorsed with the names of the parties to the reference, and with a note of the amount claimed by the arbitrators and umpire for remuneration.

Notice of the award having been deposited shall be served by the Court on the parties, who shall be at liberty to read the award, and to have copies of it.

107. Any person interested may, within seven days after notice of the award, apply to the Court to prevent the execution of the award or of any specified part of it.

In default of any such application, the Court shall proceed, on reasonable notice to all parties, to make such order for carrying into effect the award, or any part thereof, and as to costs and other things, as the Court thinks just.

108. The Court may at any time, and from time to time, remit the matters referred, or any of them, to the reconsideration and redetermination of the arbitrators or umpire, on such terms as to costs and other things as the Court thinks just.

109. The Court shall not refuse to execute an award merely on the ground of irregularity in the submission, or during the reference, where the irregularity has not been substantially prejudicial to the party applying to prevent the execution of the award.

viii.—Decision on Fact or Law, without Suit.

(a.) Question of Fact.

110. Where persons between whom a suit might be instituted agree that there is a question of fact to be determined between them, they may, by

consent and by order of the Court, which order the Court may make on being satisfied that the parties have a real interest in the determination of the question, and that it is fit to be tried, state the question for trial in an issue, and the issue may be tried as if the question were to be determined at the hearing of a suit.

The issue and proceedings and decree shall be recorded, and the decree shall have the same effect as a decree in a suit.

The parties may, if they think fit, enter into an agreement in writing embodied in an order of the Court, that, on the finding of the Court, a sum of money, fixed in the agreement, or to be ascertained by the Court on a question inserted in the issue for that purpose, shall be paid by one of the parties to the other, with or without any costs. On the finding, a decree may be entered for the sum so agreed or ascertained, with or without costs, as the case may be.

Where there is no agreement respecting costs, the costs of the whole proceedings shall be in the discretion of the Court.

(b.) Question of Law.

111. Where persons between whom a suit might be instituted agree that there is a question of law to be determined between them, they may, by consent and by order of the Court, which order the Court may make on being satisfied that the parties have a real interest in the determination of the question, and that it is fit to be determined, state any question of law in a case for the opinion of the Supreme Court, without petition presented or other pleading.

Where the case is stated under order of a Court other than the Supreme Court, the Court shall send the case to the Supreme Court.

The Supreme Court may direct the case to be restated or to be amended, or may refuse to determine it if the facts are not sufficiently stated, or if the question is not properly raised, or if the parties cannot agree on an amended case.

The Supreme Court may draw inferences of fact from facts stated in the case.

The case and proceedings and decree shall be recorded, and the decree shall have the same effect as a decree in a suit.

The parties may, if they think fit, enter into an agreement in writing, embodied in an order of the Court, that on the judgment of the Supreme Court being given, a sum of money, fixed in the agreement, or to be ascertained by the Supreme Court or in such manner as that Court may direct, shall be paid by one of the parties to the other with or without any costs. On the judgment of the Supreme Court, a decree of the Court under whose order the case was stated may be entered for the sum so agreed or ascertained, with or without costs as the case may be.

Where there is no agreement respecting costs, the costs of the whole proceedings shall be in the discretion of the Supreme Court.

IX.—Bills of Exchange and Promissory Notes.

112. A suit on a bill of exchange or promissory note, instituted within six months after it becomes due and payable, may be commenced by summons, and may be heard and determined in a summary way.

An appeal shall not lie to the Supreme Court from any Order in the suit.

113. The Court shall, on application within seven days from the service of the summons, give the defendant leave to defend the suit on his paying into Court the sum endorsed on the summons, or on proof of a good legal or equitable defence, or such facts as would make it incumbent on the holder to prove consideration, or such other facts as appear to the Court sufficient to support the application, and on such terms as to security and other things as the Court thinks fit; and in that case the Court may direct proceedings to be taken and carried on by petition.

If the defendant does not obtain leave to defend, the plaintiff, on proof of service of the summons, shall be entitled as of course at any time after the expiration of those seven days to an immediate absolute order for any sum not exceeding that endorsed on the summons, with interest at the rate specified (if any) to the date of the order, and a sum for costs to be fixed by the Court in the order.

114. The holder of a bill or note may, if he thinks fit, obtain one summons against all or any of the parties to the bill or note, and subsequent proceedings shall be carried on, as far as the Court thinks fit, as if separate summonses had been issued.

But the summons or its endorsement shall set forth the claims against the several parties, according to their respective alleged liabilities, with sufficient precision and certainty to enable each to set up any defence on which he individually may desire to reply.

115. The Court may, if it thinks fit, order that the bill or note be forthwith deposited in the Court, and that all proceedings be stayed until the plaintiff gives security for costs.

116. The holder of a dishonoured bill or note shall have the like remedies for the recovery of the expenses incurred in the noting of the same for non-acceptance or non-payment, or incurred otherwise by reason of the dishonour, as for recovery of the amount of the bill or note.

117. After order made, the Court may, if it thinks fit, for reasons recorded in the minutes, set aside the order or execution, and give leave to defend.

X.—Claims under £20.

118. Where the claim which any person desires to enforce by proceedings in the Court, either—

(1) relates to money, goods, or other property, or any civil right or other matter at issue of a less amount or value than 20*l.*; or

(2) is instituted for the recovery of damages of a less amount than 20*l.*; proceedings shall be commenced by summons, and the suit shall (subject to the provisions of this Order) be heard and determined in a summary way.

119. The summons shall issue without application in writing.

It shall be addressed to the person, as respondent, against whom the claim is made.

It shall state briefly and clearly the nature and particulars of the claim and the amount sought to be recovered.

It shall be served on the respondent within the time and in the manner directed by the Court.

A respondent shall not be bound to attend personally to answer the summons unless required expressly by the summons so to do, but he shall attend personally if summoned as a witness.

The proceedings on the summons shall (except as far as the Court, in any case for the avoiding of delay and the furtherance of substantial justice, thinks fit otherwise to direct) be governed by the provisions of this Order regulating claims for 20*l.* or upwards.

120. Where, either on the application for a summons, or before or at the hearing thereof, it appears to the Court (for reasons recorded in the minutes) that the nature and circumstances of the case make it unjust or inexpedient to hear and determine the claim in a summary way, the Court may direct that proceedings be taken and carried on by petition.

xi.—Claims before uncommissioned Consular Officers.

121. Every suit instituted in a Provincial Court held before an uncommissioned Consular Officer shall be heard and determined under and according to the provisions of this Order relating to claims under 20*l.*

Within fourteen days after the determination of each suit, the Provincial Court shall report it to the Supreme Court, or in Egypt to the Court for Egypt, and transmit to that Court a copy of the proceedings.

The Provincial Court shall have power to enforce and order by execution on the goods of the party ordered to pay, and not otherwise.

An appeal to the Supreme Court, or in Egypt to the Court for Egypt, from any order of the Provincial Court shall lie as of course on the appellant making a deposit of 1*l.* for costs, to abide the decision on appeal, and execution shall be suspended.

The proceedings on, and hearing of, the appeal shall be conducted, as nearly as may be, according to the provisions of this order relating to appeals to the Supreme Court by motion.

In any case the Supreme Court or the Court for Egypt may, if it thinks fit, on the application of any party, direct that the suit be heard and determined by the Court for Egypt, or by the Superintending Consul of the district of the uncommissioned Consul Officer, or by the Supreme Court.

xii.—Claims for £20 or upwards.

A.—Ordinary Provisions.

Petition.

122. Subject to the foregoing provisions of this Order, where the claim which any person desires to enforce by proceedings in the Court—

(i) relates to money, goods, or other property, or any civil right or other matter, at issue, of the amount or value of 20*l.* or upwards; or

(ii) is instituted for recovery of damages of the amount of 20*l.* or upwards;

proceedings shall be commenced by the filing of a petition.

123. The petition shall contain a narrative of the material facts on which the plaintiff relies.

The narrative shall be divided into paragraphs numbered consecutively, each paragraph containing, as nearly as may be, a separate statement or allegation.

The petition shall pray for the specific relief to which the plaintiff conceives himself entitled, and also for general relief.

The petition shall be as brief as is consistent with a clear statement of the facts on which the prayer is sought to be supported, and with information to the defendant of the nature of the claim set up.

Documents shall not be unnecessarily set out in full in the petition, but so much only of them as is pertinent and material shall be set out.

Dates and sums shall be expressed in the petition in figures, and not in words.

124. Where there is only one defendant, one copy of the petition, and of any schedule thereto, for service, shall be left with the Court, together with the original.

Where there are two or more defendants, as many copies as are parties to be served shall be left, together with the original.

125. The plaintiff shall obtain an order for service of the petition on the defendant.

Answer.

126. The order for service of the petition shall specify a reasonable time after service, ordinarily not more than eight days, within which the defendant shall put in his answer.

127. The Court may, if it thinks fit, on the application of the defendant, allow him further time for putting in his answer.

128. A defendant failing to answer within the time, or further time allowed, shall not be at liberty to put in an answer without leave of the Court.

129. The answer shall show the nature of the defendant's defence to the claim set up by the petition, but shall not set forth evidence by which the defence is intended to be supported.

It shall not introduce matter irrelevant to the suit, and the provisions of this Order relating to the setting out of documents and the contents of a petition generally shall be observed in an answer, as far as they are applicable.

It shall deny all such material allegations in the petition as the defendant intends to deny at the hearing.

Where the answer denies an allegation of fact, it shall deny it directly and fully (as, for example, if a petition alleges that the defendant has received a sum of money, and the defendant denies this, his answer shall deny that he has received that sum, or any part thereof, or else set forth what part he has received. And so, where a matter of fact is alleged in the petition, with certain circumstances, the answer shall not deny it literally as it is alleged, but shall answer the point of substance positively and certainly).

The answer shall specifically admit such material allegations in the petition as the defendant knows to be true or desires to be taken as admitted.

The answer shall allege any fact not stated in the petition whereon the defendant intends to rely in his defence (as establishing, for instance, fraud on the part of the plaintiff, or showing that the plaintiff's right to relief has not yet accrued, or is released, or barred, or otherwise gone).

130. The Court may, if it thinks fit, order the defendant to put in an answer on oath.

131. The Court may, if it thanks fit, on the application of the plaintiff, examine the defendant, on oath or otherwise, or written interrogatories allowed by the Court, and take down the answers of the defendant in writing.

Those answers shall be treated as forming part of the answer to the petition.

132. A defendant not putting in any answer shall not, on that ground, be taken as admitting the allegations of the petition or the plaintiff's right to the relief sought.

Proceedings after answer.

133. No replication or other pleading after answer shall be allowed.

134. The plaintiff may, on considering the answer, amend his petition.

Notice of the amendment shall be served on the defendant.

Setting down for Hearing.

135. A suit shall not be set down for hearing without an order of the Court for that purpose, which the plaintiff may obtain at any time after the expiration of the time allowed to the defendant for answering.

Sittings for Hearing.

136. The sittings of the Court for the hearing of suits shall, where the amount of business so requires, be held on stated days.

They shall ordinarily be public, but the Court may, for reasons recorded in the minutes, hear any particular suit or matter in the presence only of the parties and their legal advisers and the officers of the Court.

Hearing with Jury or Assessors.

137. The following regulations respecting juries apply only to the Supreme Court and the Court for Egypt.

Where a suit either—

(i) relates to money, goods, or other property, or any civil right or other matter, at issue, of the amount or value of 50*l.* or upwards; or

(ii) is instituted for recovery of damages of the amount of 50*l.* or upwards;

the suit shall, on the demand of either party in writing, filed in the Court seven days before the day appointed for the hearing, be heard with a jury.

Any other suit may, on the suggestion of any party, at any stage, be heard with a jury, if the Court thinks fit.

Any suit may be heard with a jury if the Court of its own motion, at any stage, thinks fit.

A party demanding a jury shall, on filing the demand, deposit in Court, for the first day's attendance of jurors, 2*l.* 10*s.*, and in default thereof his demand shall have no effect.

If the Court of its own motion orders that a suit be heard with a jury, the plaintiff shall make the deposit.

Where a trial with a jury is begun and adjourned, the party who has made the deposit shall, on each successive day of the trial, and before the trial is proceeded with, make a further deposit of 2*l.* 10*s.*

In default of any successive deposit being so made the other party may make the deposit; but if neither party makes it, the trial may, if the Court thinks fit, be adjourned generally.

The costs of remuneration of jurors shall be costs in the cause.

138. The Supreme Court, or the Court of Egypt, may, if the Court thinks fit, hear with an assessor, or with two assessors, any suit.

139. A Provincial Court, other than one held before an uncommissioned Consular Officer, shall (subject to the provisions of this order) hear with an assessor, or with assessors, every suit which either—

(i) relates to money, goods, or other property, or any civil right, or other matter, at issue, of the amount or value of 300*l.* or upwards; or

(ii) is instituted for recovery of damages of the amount of 300*l.* or upwards.

In all other cases a Provincial Court, other than one held before an uncommissioned Consular Officer, may, as it thinks fit, hear the suit either with or without an assessor or assessors.

Proceeding at Hearing.

140. The order of proceeding at the hearing shall be as follows:

The party on whom the burden of proof is thrown by the nature of the material questions between the parties has the right to begin; he shall address the Court and open his case.

He shall then call his evidence and examine his witnesses in chief.

When he has concluded his evidence, he shall ask the other party if he intends to call evidence (in which term is concluded evidence taken by affidavit or deposition, or under commission and documentary evidence not already read or taken as read); and, if answered in the negative, the party beginning shall be entitled to sum up the evidence already given, and comment thereon; but if answered in the affirmative, he shall wait for his general reply.

When the party beginning has concluded his case, the second party shall be at liberty to address the Court and to call evidence, and to sum up and comment thereon.

If no evidence is called or read by the second party, the party beginning (saving the right of the Crown) shall have no right to reply, unless he has been prevented from summing up his case by the statement of the second party of his intention to call evidence.

The case on both sides shall then be considered closed.

If the second party calls or reads evidence, the party beginning shall be at liberty to reply generally on the whole case, or he may call fresh evidence in reply to the evidence given on the other side, on points material to the determination of the issues, or any of them, but not on collateral matters.

Where evidence in reply is tendered and allowed to be given, the second party shall be at liberty to address the Court, and the party beginning shall be entitled to the general reply.

141. The answer of defendant shall not debar him at the hearing from disproving any allegation of the petition not admitted by his answer, or from giving evidence in support of a defence not expressly set up by the answer, except where, in the opinion of the Court, the defence is such as ought to have been expressly set up by the answer, or is inconsistent therewith.

Judgment.

142. The decision or judgment given at the hearing shall be delivered in open Court.

Where the Court reserves judgment at the hearing, parties to the suit shall be served with notice to attend and hear judgment, unless the Court at the hearing states the day on which judgment will be delivered, in which case there shall be no further notice.

All parties shall be deemed to have notice of the decision or judgment, if pronounced at the hearing.

All parties served with notice to attend and hear judgment, shall be deemed to have notice of the judgment when pronounced.

Costs.

143. In every suit the costs of the whole suit and of each particular proceeding therein, and the costs of every proceeding in the Court, are in the discretion of the Court as regards the person by whom they are to be paid.

But the Court shall not order the successful party in a suit to pay to the unsuccessful party the costs of the whole suit; although the Court may order the successful party, notwithstanding his success in the suit, to pay the costs of any particular proceeding therein.

The Court may order any cost to be paid out of any fund or property to which a suit or proceeding relates.

Where the Court orders costs to be paid by any party, the Court may, if it thinks fit, order all proceedings by or on behalf of that party in the same suit or proceeding, or connected therewith, to be stayed until the costs are paid accordingly.

B.—Exceptional Provisions.

Injunctions and Orders before Suit.

144. On proof of extreme urgency or other peculiar circumstances, the Court may, if it thinks fit, without petition filed, and without notice, make an order of injunction, or an order to sequester money or goods, or to stop a passport, or the clearance of a ship, or to hold to bail.

Before making the order, the Court shall require the person applying for it to enter into a recognizance, with or without a surety or sureties, as the Court thinks fit, as security for his being answerable in damages to the person against whom the order is sought.

The order shall not remain in force more than twenty-four hours, and shall, at the end of that time, wholly cease to be in force, unless within that time a suit is regularly instituted by petition by the person obtaining the order.

The order shall be dealt with in the suit as the Court thinks just.

An order to hold to bail shall state the amount (including costs) for which bail is required.

It shall be executed forthwith.

The person arrested under it shall be entitled to be discharged from custody under it on bringing into Court the amount stated in the order to abide the event of such suit as may be instituted or on entering into a recognizance, with or without a surety or sureties, as the Court thinks fit, as a security that he will abide by the orders of the Court in any suit instituted.

He shall be liable to be detained in custody under the order for not more than seven days, if not sooner discharged; but the Court may, from time to time, if it thinks fit, renew the order.

No person, however, shall be kept in custody under any such order and renewed order for a longer time, in the whole, than thirty days.

Plaintiff out of Jurisdiction.

145. Where a person filing a petition, either alone or jointly with any other person, is out of the particular jurisdiction, or is only temporarily therein, he shall file in the Court, at or before the filing of the petition, a written statement of a fit place within the particular jurisdiction where notices and other papers issuing from the Court may be served on him.

He shall also give security for costs by deposit of the sum of 50*l.*, or by bond in the penal sum of 100*l.*

The Court may at any time, either of its own motion or on the application of any defendant, order the plaintiff to give further or better security to the amount aforesaid for costs, and may direct proceedings to be stayed in the meanwhile.

Parties.

146. Persons entitled to sue and suing on behalf of others as guardians, executors, or administrators, or on behalf of themselves and others (as creditors in a suit for administration), shall state the character in which they sue.

147. Where a person has jointly with other persons a ground for instituting a suit, all those other persons shall, unless the Court otherwise allows, be made parties to the suit, either as plaintiffs or as defendants.

But where a person has a joint and several demand against more persons than one, either as principals or as sureties, it is not necessary for him to bring before the Court as parties to a suit concerning that demand all the persons liable thereto, and he may proceed against any one or more of the persons severally liable.

If a person not joined as plaintiff or as defendant ought to be so joined, or a person joined as plaintiff or as defendant ought not to be so joined, the Court may order the petition to be amended. But no person shall be so joined as plaintiff without proof to the Court of his consent thereto. Nor shall the name of a plaintiff be so struck out unless he was originally joined as plaintiff without his consent, or he consents to his name being struck out.

148. Where a person sues another as agent for a third person, not seeking to fix the agent with personal liability, the Court, on the fact coming to its knowledge, shall, if the third person is within the particular jurisdiction, forthwith order his name to be substituted, and stay proceedings until the order is complied with.

But if he is not within the particular jurisdiction, the Court shall refuse to proceed further in the matter, unless and until the person sued as agent undertakes, by writing filed in the Court, to defend the suit, and personally to satisfy any order for debt or damages and costs therein. In that case the person sued as agent shall further, within such time as the Court orders, and

before the hearing of the suit, procure and file with the proceedings a sufficient authority in writing to him from his principal to substitute the name of the principal as defendant for that of the agent, and to defend the suit, or otherwise act in it on behalf of the principal.

The agent shall not, however, be deemed to be thereby discharged from his personal undertaking and liability to satisfy any order in the suit.

149. Proceedings by or on behalf of or against a partnership solely or jointly shall be taken in the several names of the partners as individuals, and not in the name of the firm or otherwise.

Particulars of Demand.

150. Where the plaintiff's claim is for money payable in respect of a contract expressed or implied, or to recover the possession or the value of goods wrongfully taken and detained, or wrongfully detained, by the defendant from the plaintiff, it shall be sufficient for the plaintiff to state his claim in the petition in a general form, and to annex to the petition a schedule, stating the particulars of his demand, in any form which shall give the defendant reasonably sufficient information of the details of the claim.

An application for further or better particulars may be made by the defendant before answer.

The plaintiff shall not, at the hearing, obtain an order for any sum exceeding that stated in the particulars, except for subsequent interest and costs of suit, notwithstanding that the sum claimed in the petition for debt or damages exceeds the sum stated in the particulars.

Particulars of demand shall not be amended, except by leave of the Court, and the Court may, if it thinks fit, on an application for leave to amend, grant the same, on it appearing that the defendant will not be prejudiced by amendment.

Where the Court orders particulars to be amended, or further or better particulars to be given, the order shall state the time within which the thing ordered is to be done.

The order for service of the amended or further or better particulars shall state the time which defendant is to have to put in his answer.

Any variance between the items contained in the particulars and the items proved at the hearing may be amended at the hearing if the Court thinks fit.

Papers annexed to Petition.

151. When the plaintiff seeks (with or without an order for payment of money)—

(i) to obtain a general or special declaration of his rights under a contract or instrument; or

(ii) to set aside a contract; or

(iii) to have a bond, bill, note, or instrument in writing delivered up to be cancelled; or

(iv) to restrain a defendant by injunction; or

(v) to have an account taken between himself and any other or others; he may in his petition refer to and briefly describe any documents on the contents whereof he intends to rely, and may annex copies thereof to the petition.

Amendment of Petition.

152. A plaintiff, not giving sufficient information to enable the defendant to understand the plaintiff's claim, may be ordered, on the application of the defendant, to amend his petition.

153. A petition may be amended at any time before answer by leave of the Court, on an application of the plaintiff without notice.

Notice of amendment shall be given to the defendant.

154. If a petition contains libelous or needlessly offensive expression, the Court may, if it thinks fit, either of its own motion, or on application of the defendant, order it to be amended.

155. Where a petition is defective on the face of it by reason of non-compliance with the provisions of this Order, the Court may, if it thinks fit, either of its own motion, or on application by a defendant, make an order to stay proceedings until the petition is amended.

Inspection of Documents.

156. A plaintiff may be ordered to produce for inspection and other purposes of the suit such documents in his possession or power as are referred to in the petition, or such other documents, if any, as the defendant is entitled to inspect in the suit.

Equity.

157. A petition implies an offer to do equity in the suit, and admits of any equitable defence.

The plaintiff may obtain at the hearing any such equitable relief as the facts stated and proved entitled him to, though not specifically asked.

Where a defendant in his answer raises a defence of an equitable nature, and it appears to the Court that, on this defence being established, the defendant may be entitled to some equitable relief against the plaintiff in respect of the subject-matter of the suit, the Court may, if it thinks fit, on the application of the defendant, either before or at the hearing, give liberty to him to file a cross-petition asking for that relief, and may make such order for the hearing of the suit and cross-suit together or otherwise, as the Court thinks just.

Defence on ground of Law or Equity.

158. Where a defendant conceives that he has a good defence in law or equity to the petition, so that even if the allegations of fact in the petition were admitted or clearly established, yet the plaintiff would not be entitled to

any order against him (the defendant); he may raise this defence by an application that the petition be dismissed without an answer being required from him.

The application shall be made within the time allowed for answering.

The summons or motion-paper on which the application is made shall state briefly the grounds of law or equity on which the defendant relies.

The application shall be heard and disposed of at as early a time as may be.

For the purposes of the application the defendant shall be taken as admitting the truth of the allegations of facts in the petition; and no evidence respecting matters of fact, and no discussion of questions of fact, shall be allowed.

The Court, on hearing the application, shall either dismiss the petition or order the defendant to put in an answer within a short time to be named in the order, and may, if the Court thinks fit, give leave to the plaintiff to amend his petition.

Where, on the hearing of the application, any grounds of law or equity are urged in support of it other than those stated in the summons or motion-paper, and the grounds stated therein are disallowed, the defendant shall be liable to pay the same costs as if the application were wholly refused, although the grounds newly urged are allowed, unless the Court thinks fit in any case to order otherwise.

Interrogatories for Examination of Plaintiff.

159. A defendant may at any time (but where he is required to answer not until after he has put in a sufficient answer) file in the Court interrogatories for the examination of a plaintiff.

There shall be prefixed to those interrogatories a concise statement of the subjects on which a discovery is sought.

A plaintiff shall answer the interrogatories subject to just exceptions.

The plaintiff's answer to the interrogatories may be read and used by the defendant in the same manner and under the same restrictions in and under which an answer to a bill praying relief may be read and used.

Set-off.

160. A defence of set-off to a claim for money shall be accompanied by a statement of particulars of set-off.

A defence of partial set-off shall also be accompanied by payment into Court of the amount to which, on the defendant's showing, the plaintiff is entitled, unless the plaintiff's claim to that amount is resisted on some other ground of defence.

In default of that payment the defendant shall be liable to bear the costs of the suit, even if he succeeds in his defence to the extent of the set-off on which he relies.

Where a defendant in his answer raises a defence of set-off which, in the opinion of the Court, is not admissible in that form, the Court may, if it thinks fit, either before or at the hearing, on his application, give him liberty to withdraw the defence and to file a cross-petition, and may make such order for the hearing of the suit and cross-suit together or otherwise, as the Court thinks just.

A counter-claim shall not be admitted otherwise than as a defence of set-off.

A defendant, raising by his answer a counter-claim by way of defence, shall not be entitled to any order against the plaintiff for any sum of money other than his costs of the suit.

Tender.

161. A defence alleging tender by the defendant shall be accompanied by payment into Court of the amount alleged to have been tendered.

Payment into Court.

162. Payment into Court by the defendant shall be accompanied by an answer or affidavit. The answer or affidavit shall state distinctly that the money paid in is paid in satisfaction of the plaintiff's claim generally, or (as the case may be) in satisfaction of some specific part of the plaintiff's claim, where the claim is stated in the petition for distinct sums or in respect of distinct matters.

Payment into Court, whether made in satisfaction of the plaintiff's claim generally or in satisfaction of some specific part thereof, operates as an admission of liability to the extent of the amount paid in and no more, and for no other purpose.

Where the defendant pays money into Court the plaintiff shall be at liberty to accept the same in full satisfaction and discharge of the cause of suit in respect of which it is paid in; and in that case the plaintiff may forthwith apply for payment of the money out of Court to him, and on the hearing of the application the Court shall make such order respecting stay of further proceedings in the suit in whole or in part, and respecting costs and other matters, as the Court thinks just.

If the plaintiff does not so apply, he shall be considered as insisting that he has a claim against the defendant to a greater amount than the sum paid in; and in that case the Court, in determining the suit and disposing of costs, shall have regard to the fact of the payment into Court having been made and not accepted.

Absconding Defendants.

163. The Court, on proof that there is good reason to believe that a defendant means to abscond in order to avoid the orders of the Court, after suit or other proceeding instituted, may, if it thinks fit, make an order to hold him to bail, and may require of him such security as it thinks fit for his remaining within the particular jurisdiction and abiding by any order to be made in the suit or proceeding.

Guardian of Defendant for purposes of Suit.

164. Where, on default made by a defendant in answering or otherwise defending the suit after service of the petition, it appears to the Court that he is an infant or a person of weak or unsound mind, so that he is unable of himself to defend the suit, the Court may, if it thinks fit, on the application of the plaintiff, or of its own motion, appoint by order some fit person to be guardian of the defendant for the purposes of the suit, by whom he may defend it.

Before such an order is made, the Court shall cause such notice as it thinks reasonable to be served on or left at the dwelling-house of the person with whom or under whose care the defendant is, and also, unless the Court sees good reason to the contrary, in the case of an infant not residing with or under the care of his father or guardian, to be served on or left at the dwelling-house of his father or guardian.

Facts occurring after Suit.

165. The Court may, by order, allow facts occurring after the institution of a suit to be introduced by way of amendment into the petition or answer at any stage of the proceedings.

Death of Party or other Change.

166. Where, after the institution of a suit, any change or transmission of interest or liability occurs in relation to any party to suit, or any party to the suit dies, or (being a woman) marries, or the suit in any other way becomes defective or incapable of being carried on, any person interested may obtain from the Court any order requisite for curing the defect, or enabling or compelling proper parties to carry on the proceedings.

But any person served with such an order may, within such time, not exceeding fourteen days, as the Court in the order directs, apply to the Court to discharge the order.

Settlement of Issues.

167. At any time after answer the Court may, if it thinks fit, on the application of any party, or of its own motion, proceed to ascertain the material questions in controversy between the parties, and may reduce those questions into writing and settle them in the form of issues, which issues, when settled, shall, for the purposes of the subsequent proceedings, supersede the petition and answer, except that the petition and answer may be used, as containing admissions or otherwise, for purposes of evidence on the trial of the issues.

Dismissal for want of Prosecution.

168. Where the plaintiff does not obtain an order for setting down the suit for hearing within three months from the time at which he might first apply for it, the defendant may apply to the Court for an order to dismiss the petition for want of prosecution.

The Court, thereupon, if it thinks fit, may make an order dismissing the petition, or may make such other order or impose such terms as it thinks fit.

Absence of Parties at Hearing.

169. If, at the hearing, the plaintiff does not appear, the Court shall, unless the Court sees good reason to the contrary, strike out the suit, and make such order respecting costs in favour of any defendant appearing as the Court thinks just.

If the plaintiff a second time in like manner fails to appear, the Court shall, unless it sees good reason to the contrary, dismiss the petition, which dismissal shall have the like effect as a dismissal on the merits at the hearing.

170. If, at the hearing, the plaintiff appears, but the defendant or any of the defendants does not appear, the Court shall, before hearing the suit, inquire into the service of the petition and of notice of hearing on the absent party or parties.

The Court, if not satisfied respecting service on every party, shall order that further service be made as the Court directs, and shall adjourn the hearing for that purpose.

The Court, on being satisfied respecting service on every party, may, if it thinks fit, proceed to hear the suit, notwithstanding the absence of the defendant or any of the defendants.

171. If the Court hears the suit and makes an order against a defendant in his absence, the Court may afterwards, on such terms as the Court thinks fit, rehear the suit on proof that his absence was excusable, and that he has a defence on the merits.

Amendments at Hearing.

172. The Court shall, at the hearing, order all such amendments as the Court thinks necessary or proper for bringing to a determination in the suit the real questions in controversy between the parties.

Reference of Account.

173. Where it appears to the Court that the matter in dispute in a suit consists either wholly or in part of matters of mere account, the Court may, according to the amount of public business pending, either decide at once the matters of account, or order that they be referred, either wholly or in part, to some person agreed on by the parties, or, in case of their non-agreement, appointed by the Court.

The referee shall enter into the account and hear evidence and report on it to the Court, according to the order, and the Court, after hearing the parties, may adopt the conclusions of the report, either wholly or in part, or may direct a further report to be made by the referee, and may grant any necessary adjournment for that purpose.

Case for Supreme Court.

174. In any Court other than the Supreme Court any decision or judgment may be given, or verdict taken, subject to a case to be stated for the opinion for the Supreme Court.

Application by Motion.

175. An application made by motion shall not be entertained, until the party moving has filed in the Court a written motion-paper stating the terms of the order sought.

There shall be filed with the motion-paper all affidavits on which the person moving intends to rely. No other evidence shall be used in support of the motion except by leave of the Court.

No paper accompanying the motion-paper other than an affidavit shall be received.

A motion may be made without notice in the first instance or on notice of motion.

Summons.

176. An application for a summons may be made in writing, or in person.

If the Court thinks fit it may issue a summons ordering the person to whom it is directed, as respondent, to appear at the time and place specified therein, and stating the nature of the application to be made.

On the return-day of the summons, if the respondent attends, or in his absence, on proof of service, the Court may, on the application of the person obtaining the summons, consider and deal with the application in a summary way.

Orders.

177. Where an order is made without service of notice of the application, an office copy of the affidavit or deposition on which the order is made shall be served on the person affected by the order, with the order.

Any person affected by the order may, within seven days after service of it, but not later, except by leave of the Court, apply to the Court to vary or discharge it; and the Court, on notice to the person obtaining the order, may make such order as the Court thinks just.

178. An order to show cause shall specify a day when cause is to be shown, called the return-day to the order, which shall ordinarily be not less than four days after service.

A person served with an order to show cause may, before the return-day, file affidavits in order to contradict the evidence used in obtaining the order, or setting forth other facts.

On the return-day, if the persons served, do not appear, and service is not proved, the Court may enlarge the time and direct further service, or make such other order as it thinks just.

If the persons served appear, or service is proved, the Court may proceed with the matter, and make such order as it thinks just.

179. Where a person not a party to a suit obtains an order, or has an order made in his favour, he is entitled to enforce obedience thereto by the same process as if he were a party to the suit.

A person not a party to a suit against whom obedience to an order may be enforced is liable to the same process for enforcing obedience thereto as if he was a party to the suit.

180. All money ordered by the Court to be paid by any person shall be paid into Court, unless the Court otherwise directs.

181. An order shall be drawn up in form only on the application of some party to the suit, and shall then be passed and be certified by the seal of the Court, and be entered, and shall then form part of the record.

An order shall not be enfored or appealed from, nor shall an office copy of it be granted, until it is part of the record.

An order shall be dated on the day of the delivery of the decision or judgment on which the order is founded.

Any party to an application or suit is entitled to obtain an office copy of any order made therein.

182. Ordinarily, an order, other than an order of the Supreme Court, shall not be enforced out of the particular jurisdiction.

Where, however, the Court making the order thinks that the urgency or other peculiar circumstances of the case so require, the Court (for reasons recorded in the minutes) may order it to be enforced out of the particular jurisdiction.

183. Where an order orders a person to pay money, or do any other act, the same or some subsequent order shall state the precise time within which the payment, or other act, is to be made or done, reckoned from the date or service of the order in which the time is stated, or from some other point of time, as the Court thinks fit.

The time stated may be immediately after service of the order, if the Court thinks fit.

A person ordered to pay money, or do any other act, is bound to obey the order on being served with it, and without any demand for payment or performance.

Order for Payment of Money.

184. The Court may, if it thinks fit, order that money ordered to be paid by instalments specified.

185. Where an order orders payment of money, there shall be indorsed on the copy of it served on the person required to obey it, a memorandum in the words, or to the effect, following:—

If you, the within-named A B, neglect to obey this order by the time therein appointed, you will be liable to have a writ of execution

issued against your goods, under which they may be seized and sold; and you will also be liable to be summoned by the Court, and to be examined respecting your ability to make the payment directed by this order, and to be imprisoned in case of your not answering satisfactorily on that examination.

186. Where an order orders payment of money, and the person ordered to pay refuses or neglects to do so according to the order, a person entitled to the benefit of the order may apply to the Court for execution against the goods of the disobedient person.

Thereupon the Court shall, unless it sees good reason to the contrary, issue an order of execution (in this Order called an execution order), ordering and empowering an officer of the Court, therein named, to levy the money ordered to be paid, by distress and sale of the goods of the disobedient person (in this Order called the execution debtor), wheresoever they may be found within the particular jurisdiction.

On the order there shall be indorsed the sum of money and costs adjudged and the further sum to be levied for costs of the execution.

187. Where an order orders payment of money by instalments, execution shall not issue until after default in payment of some instalment according to the order; and execution, or successive executions may then issue for the whole money then remaining unpaid, or for such portion thereof as the Court orders, either when making the original order or at any subsequent time.

188. The officer executing the order may, by virtue thereof, seize any of the goods of the execution debtor, except the wearing apparel and bedding of himself and his family, and the tools and implements of his trade, to the value of 5*l.*, all which shall to that extent be exempted from seizure.

189. The sale of the goods seized shall be made by order of the Court, and shall be conducted under the direction of the Court, and by a person nominated by the Court.

But no steps shall be taken therein without the demand of the person obtaining the execution order (in this Order called the execution creditor), and the execution creditor shall be liable for any damage ensuing from any proceeding taken at his instance.

The sale shall not be made until after the end of five days at least next following the day of seizure, unless the goods are of a perishable nature, or on the request in writing of the execution debtor.

Until sale the goods shall be deposited by the officer in some fit place, or they may remain in the custody of a fit person approved by the Court and put in possession by the officer.

190. The Court shall not order the sale of the goods seized unless it is proved that they belong to the execution debtor, and are in a place where the Court has jurisdiction.

Where a claim is made by a third party to the goods or part thereof, the same, if made by a subject or protected person, shall be decided by the Court in a summary way, as between the claimant and the execution creditor.

If the claim is made by an Ottoman subject or foreigner, the Court may, if it thinks fit, either oblige the execution creditor to establish his claim before selling the goods or sell the goods and require the execution creditor to defend any claim.

191. The officer executing an execution order may, by virtue thereof, seize any money, banknotes, cheques, bills of exchange, promissory notes, bonds, or securities for money belonging to the execution debtor.

The Court shall hold the same (other than money and securities immediately convertible into money) as security for the amount directed to be levied, or so much thereof as is not otherwise levied, for the benefit of the execution creditor.

The execution creditor may sue in the name of the execution debtor, or in the name of any person in whose name the execution debtor might have sued, for recovery of the money secured or made payable thereby, when the time for suing arrives.

192. If before or after seizure the execution debtor, by payment into Court or to the officer executing the order, satisfies the execution, the order shall be superseded, and the goods and property seized shall be released and delivered up.

Commitment of Debtor.

193. Where an order ordering payment of money remains wholly or in part unsatisfied (whether an execution order has been made or not), the person prosecuting the order (in this Order called the judgment creditor) may apply to the Court for an order, ordering the person by whom payment is to be made (in this Order called the judgment debtor) to appear and be examined respecting his ability to make the payment; and the Court shall, unless it sees good reason to the contrary, make an order accordingly.

194. On the appearance of the judgment debtor, he may be examined on oath by or on behalf of the judgment creditor, and by the Court, respecting his ability to pay the money directed to be paid, and for discovery of property applicable thereto, and respecting his disposal of any property.

He shall produce, on oath or otherwise, all books, papers, and documents in his possession or power relating to any property applicable to payment.

He may be examined respecting the circumstances under which he contracted or incurred the debt or liability, in respect of which the payment of money is ordered to be made, and respecting the means or expectation he then had of paying or discharging the debt or liability.

He shall sign his examination as taken down in writing.

Whether the judgment debtor appears or not, the judgment creditor, and any witness whom the Court thinks requisite, may be examined, on oath or otherwise, respecting the same matters.

The Court may, if it thinks fit, adjourn the examination from time to time, and require from the judgment debtor such security for his appearance as the Court thinks fit, and in default of his finding security, may, by order, commit him to the custody of an officer of the Court, there to remain until the adjourned hearing, unless sooner discharged.

195. If it appears to the Court by the examination of the judgment debtor, or other evidence—

(i) that the judgment debtor has then, or has had since the making of the order, sufficient means to pay the money directed to be paid by him, and he refuses or neglects to pay the same according to the order; or

(ii) that, with intent to defraud his creditors, or any of them, he has made or suffered any gift, delivery, or transfer of any property, or charged, removed, or concealed any property; or

(iii) that the debt or liability in question has been contracted or incurred by him by or by reason of fraud, or false pretence, or breach of trust, committed by him; or

(iv) that forbearance thereof was obtained by him by fraud or false pretence; or

(v) that the debt or liability was wilfully contracted or incurred by him without his having had at the same time a reasonable expectation of being able to pay or discharge it;

then and in any such case the Court may, if it thinks fit, by order, commit him to prison for any time not exceeding forty days.

196. On the examination, the Court, if it thinks fit, whether it makes an order for commitment or not, may rescind or alter any order for the payment of money by instalments or otherwise, and may make any further or other order, either for payment of the whole amount forthwith, or by instalments, or in any other manner, as the Court thinks just.

197. In places where there is no other place for the detention of a debtor in custody than the prison of the Ottoman authorities, the Court shall not commit the debtor to prison if it appears that that prison is unfit, regard being had to the requirements of health and decency, for the confinement of a subject or protected person under civil process.*

198. The expenses of the judgment debtor's maintenance in prison shall be defrayed, in the first instance, by the judgment creditor and may be recovered by him as the Court directs.

The expenses shall be estimated by the Court, and shall be paid by the judgment creditor at such times and in such manner as the Court directs. In default of payment, the judgment debtor may be discharged if the Court thinks fit.

199. Imprisonment of a judgment debtor under the foregoing provisions shall not operate as a satisfaction or extinguishment of the debt or liability to which the order relates, or protect the debtor from being anew

imprisoned for any new fraud or other default making him liable to be imprisoned, or deprived the judgment creditor of any right to have execution against his goods, as if there had not been such imprisonment.

200. The judgment debtor, on paying at any time the amount ordered to be paid, and all costs and expenses, shall be discharged.

Order other than for Payment of Money.

201. Where the order is one ordering some act to be done other than payment of money, there shall be indorsed on the copy of it served on the person required to obey it, a memorandum in the words, or to the effect following:—

If you, the within-named A B, neglect to obey this order within the time therein appointed, you will be liable to be arrested, and to have your property sequestered.

202. Where the person directed to do the act refuses or neglects to do it according to the order, the person prosecuting the order may apply to the Court for another order for the arrest of the disobedient person.

Thereupon the Court shall, unless it sees good reason to the contrary, make an order ordering and empowering an officer of the Court therein named to take the body of the disobedient person, and detain him in custody until further order.

He shall be liable to be detained in custody until he has obeyed the order in all things that are to be immediately performed, and given such security as the Court thinks fit to obey the order in other respects (if any) at the future times thereby appointed, or in case of his no longer having the power to obey the order, then until he has been imprisoned for such time, or until he has paid such fine as the Court thinks just.

Sequestration.

203. In case the person against whom an order of arrest issues is not and cannot be found, or is taken and detained in custody without obeying the order, then the person prosecuting the order may apply to the Court for an order of sequestration against his property.

Pauper.

204. The Court may admit a person to sue as a pauper on his poverty, and his having a case proper for some relief in the Court being proved; and may admit a person to defend as a pauper on his poverty being proved.

The Court may, if it thinks fit, by order, assign a counsel or attorney to assist a person admitted to sue or defend as a pauper, and the counsel or attorney so assigned shall not be at liberty to refuse his assistance, unless he satisfies the Court of some good reason for refusing.

If a person admitted to sue or defend as a pauper gives or agrees to give any fee, profit, or reward for the conduct of his business in the Court, he shall

be deemed guilty of a contempt of Court, and he shall also be forthwith dispaupered, and shall not be afterwards admitted again in that suit to sue or defend as a pauper.

A person admitted to sue or defend as a pauper may be dispaupered by order of the Court, on it being proved that he was not when admitted, or no longer is of sufficient poverty, or that he is abusing his privilege by vexatious proceedings.

Re-hearing.

205. The Court may, if it thinks fit, at any time, on the application of any party, order a re-hearing of a suit.

The provisions of this Order respecting a hearing with a jury or with assessors shall extend to a re-hearing.

VIII.—Proceedings on Death of Subject or Protected Person.

1.—*Preliminary.*

206. The Court shall endeavour to obtain, as early as may be, notice of the death of every subject or protected person dying within the particular jurisdiction, whether resident or not, and all such information respecting his affairs as may serve to guide the Court with respect to the securing and administration of his property.

On receiving notice of the death, the Court shall put up a notice thereof at the place where its sittings are ordinarily held, and shall keep the same there until probate or administration is granted, or where it appears to the Court that probate or administration will not be applied for, or cannot be granted, for such time as the Court thinks fit.

207. Where a subject or protected person resident dies in the Ottoman dominions intestate, then, until administration is granted, his personal property shall be vested in the Judge of the Supreme Court.

208. Where a subject or protected person not resident dies in the Ottoman dominions, the Court within whose particular jurisdiction he dies shall, where the circumstances of the case appear to the Court so to require, forthwith on his death, or as soon after as may be, take possession of his personal property within the particular jurisdiction, or put it under the seal of the Court (in either case if the nature of the property or other circumstances so require, making an inventory), and so keep it until it can be dealt with according to law.

209. If any person, other than the person named, executor or administrator or an officer of the Court, takes possession of and administers or otherwise deals with any part of the personal property of a subject or protected person dying in the Ottoman dominions, whether resident or not, he shall be deemed guilty of a contempt of Court, and shall be liable to such fine, not exceeding 50*l.*, as the Court having jurisdiction over the property of the deceased thinks fit to impose.

210. Where a subject or protected person dies in the Ottoman dominions, whether resident or not, then any person having in his possession or under his control any paper or writing of the deceased, being or purporting to be testamentary, shall forthwith bring the original to the Court within whose particular jurisdiction the death happens, and deposit it there.

If any person fails to do so for fourteen days after having knowledge of the death of the deceased, he shall be deemed guilty of a contempt of Court, and shall be liable to such fine not exceeding 50*l.*, as the Court thinks fit to impose.

211. Where it is shown to the Court that any paper of the deceased, being or purporting to be testamentary, is in the possession or under the control of a subject or protected person, the Court may, in a summary way, whether a suit or proceeding respecting probate or administration is pending or not, order him to produce the paper and bring it into Court.

Where it appears to the Court that there are reasonable grounds for believing that any person has knowledge of any paper being or purporting to be testamentary (although it is not shown that the paper is in his possession or under his control), the Court may, in a summary way, whether a suit or proceeding for probate or administration is pending or not, order that he be examined respecting it in open Court or on interrogatories, and that he do attend for that purpose, and after examination that he do produce the paper and bring it into Court.

2.—*Probate or Administration in General.*

212. Probate or letters of administration with will annexed shall not issue for seven days from the death of the deceased, except under the direction of the Supreme Court, or in case of great urgency.

Letters of administration (not with will annexed) shall not issue for fourteen days from the death of the deceased, except under the direction of the Supreme Court, or in case of great urgency.

213. If any person, named executor in the will of the deceased, takes possession of and administers or otherwise deals with any part of the personal property of the deceased, and does not obtain probate within one month after the death, or after the termination of any suit or dispute respecting probate or administration, he shall be deemed guilty of a contempt of Court, and shall be liable to such fine, not exceeding 50*l.*, as the Court thinks fit to impose.

214. The Court may, of its own motion, or on the application of any person claiming an interest under a will, give notice to the executors (if any) therein named, to come in and prove the will or to renounce probate, and they, or some or one of them shall, within fourteen days after notice, come in and prove or renounce accordingly.

215. Where probate or administration is, for the first time, applied for after three years from the death of the deceased, a grant shall not be made except under the direction of the Supreme Court.

216. Where the deceased was resident in the particular jurisdiction of a Court other than the Supreme Court, an application for a grant of probate or administration shall not be entertained by the Supreme Court, except on request of that other Court.

217. Where, in a Court other than the Supreme Court, a dispute or question arises in relation to the grant or the application for it, or it appears to the Court doubtful whether or not the grant should be made, the Court shall communicate with the Supreme Court.

The Supreme Court shall direct the other Court to proceed in the matter according to such instructions as the Supreme Court thinks fit, or shall by order remove the matter to the Supreme Court.

218. A Court, other than the Supreme Court, before proceeding on an application, shall ascertain that the deceased was at his death resident in the particular jurisdiction, and shall not for this purpose consider itself bound to rest satisfied with the evidence offered by the applicant.

219. The Court shall require evidence, in addition to that offered by the applicant, of the identity of the deceased, or of the applicant, where additional evidence in that behalf seems to the Court necessary or desirable.

220. The Court shall ascertain the value of the property of the deceased as correctly as circumstances allow.

221. In no case shall the Court issue probate or letter of administration until all inquiries which the Court sees fit to institute have been answered to its satisfaction.

The Court shall, however, afford as great facility for the obtaining of probate or administration as is consistent with due regard to the prevention of error and fraud.

222. In the following cases a grant shall not issue except from the Supreme Court under the immediate direction of the Judge, namely:

probate or administration with will annexed, where the will was executed before the 1st of January 1838, and there is no testamentary paper of a date later than the 31st of December 1837,—

probate and administration with will annexed, the will being merely an execution of a special power, or being the will of a married woman made by virtue of a power;

administration for the use or benefit of a minor or infant, or of a lunatic or person of unsound mind;

administration (with or without will annexed) of the property of a bastard dying either a bachelor or spinster, or a widower or widow without issue, or of a person dying without known relative;

limited administration;

administration to be granted to a person not resident.

223. Revocation or alteration of a grant of probate or administration shall not be made except by the Supreme Court under the immediate direction of the Judge.

224. A notice to prohibit a grant of probate or administration may be filed in the Supreme or other Court.

Immediately on such a notice being filed in the Supreme Court, a copy thereof shall be sent to the Court of the district (if any) in which it is alleged the deceased was resident at his death, and to any other Court to which it appears to the Supreme Court expedient to send a copy.

Immediately on such a notice being filed in a Court other than the Supreme Court, the Court shall send a copy thereof to the Supreme Court, and also to the Court of any other district in which it is known or alleged the deceased had at his death a place of abode.

The notice shall remain in force three months only from the day of filing; but it may be renewed from time to time.

The notice shall not affect a grant made on the day on which the notice is filed, or on which a copy thereof is received, as the case may be.

The person filing the notice shall be warned by a warning in writing, under the seal of the Court, delivered at the place mentioned in the notice as his address.

After the notice has been filed in, or a copy thereof has been received by, a Court other than the Supreme Court, a grant of probate or administration shall be made only by the Supreme Court, under the immediate direction of the Judge.

225. Notices in the nature of citations shall be given by publication in such newspapers, or in such other manner as the Court in each case thinks fit.

226. Suits respecting probate or administration shall be instituted by petition; and the provisions of this Order respecting proceedings in other suits instituted by petition shall extend and apply thereto.

227. Every original will, of which probate or administration with will annexed is granted, shall be filed and kept in the public office of the Supreme or other Court from which the grant issues, in such manner as to secure at once the due preservation and the convenient inspection of the same.

No original will shall be delivered out for any purpose without the direction in writing of the Judge of the Supreme Court.

An office copy of the whole or of any part of a will, or an official certificate of a grant of administration, may be obtained from the Supreme or other Court where the will is proved, or the administration granted on payment of the proper fees.

228. On the 1st of February and the 1st of August in every year, every Court other than the Supreme Court shall send to the Supreme Court:—

A list of the grants of probate and administration made by the Court up to the last preceding 1st of January and 1st of July respectively, not included in any previous list;

And a copy, certified by the Court to be a correct copy of every will to which each probate or administration relates.

3.—*Probate or Administration with Will annexed.*

229. "In receiving an application for probate or for administration with will annexed, the Court shall inspect the will and see whether it appears to be signed by the testator, or by some other person in his presence and by his direction, and to be subscribed by two witnesses, according to the enactments relative thereto, and shall not proceed further if the will does not appear to be so signed and subscribed.

If the will appears to be so signed and subscribed, the Court shall then refer to the atttestation clause (if any), and consider whether the wording thereof states the will to have been, in fact, executed in accordance with those enactments.

If there is no attestation clause, or if the attestation clause is insufficient, the Court shall require an affidavit from at least one of the subscribing witnesses, if either of them is living, to prove that the will was, in fact, executed in accordance with those enactments.

The affidavit shall be engrossed and form part of the probate, so that the probate may be a complete document on the face of it.

If, on perusal of the affidavit, it appears that the will was not, in fact, executed in accordance with those enactments, the Court shall refuse probate.

If, on perusal of the affidavit, it appears to the Court doubtful whether or not the will was, in fact, executed in accordance with those enactments, the Court, if other than the Supreme Court, shall communicate with the Supreme Court for directions.

If both the subscribing witnesses are dead, or if, from other circumstances, such an affidavit cannot be obtained from either of them, resort for such an affidavit shall be had to other persons (if any) present at the execution of the will; but if no such affidavit can be obtained, proof shall be required of that fact and of the handwritings of the deceased, and of the subscribing witnesses, and also of any circumstances raising a presumption in favour of the due execution of the will.

230. Where the testator was blind or illiterate, the Court shall not grant probate of the will, or administration with the will annexed, unless the Court is first satisfied, by proof or by what appears on the face of the will, that the will was read over to the deceased before its execution, or that he had at that time knowledge of its contents.

Where this information is not forthcoming, the Court, if other than the Supreme Court, shall communicate with the Supreme Court for directions.

231. The Court, on being satisfied that the will was duly executed, shall carefully inspect it to see whether there are any interlineations or alterations or erasures or obliterations appearing in it, and requiring to be accounted for.

Interlineations, alterations, erasures, and obliterations are presumed to be they existed in the will at the time of its execution, or unless it [illegible] would they have been executed and attested in the mode required by the said

amendments, or unless they have been made valid by the re-execution of the will, or by the subsequent execution of some codicil thereto.

Where interlineations, alterations, erasures, or obliterations appear in the will (unless duly executed or recited in or otherwise identified by the attestation clause), an affidavit, in proof of their having existed in the will before its execution, shall be filed.

If no satisfactory evidence is adduced respecting the time when any erasure or obliteration was made, and the words erased or obliterated are not entirely effaced, and can, on inspection of the will, be ascertained, they shall form part of the probate.

Where words have been erased which might have been of importance, an affidavit shall be required.

If reasonable doubt exists in regard to any interlineation, alteration, erasure, or obliteration, the Court, if other than the Supreme Court, shall communicate with the Supreme Court for directions.

232. Where a will contains a reference to any document of such a nature as to raise a question whether it ought or ought not to form a constituent part of the will, the Court shall require the production of the document, with a view to ascertain whether or not it is entitled to probate; and if it is not produced, a satisfactory account of its non-production shall be proved.

A document cannot form part of a will unless it was in existence at the time when the will was executed.

If there are vestiges of sealing-wax or wafers or other marks on the will leading to the inference that some document has been at some time annexed or attached thereto, a satisfactory account of them shall be proved, or the production of the document shall be required; and if it is not produced, a satisfactory account of its non-production shall be proved.

If doubt exists whether or not a document is entitled to probate as a constituent part of a will, the Court, if other than the Supreme Court, shall communicate with the Supreme Court for directions.

233. Where a person appointed executor in a will survives the testator, but either dies without having taken probate, or having been called upon by the Court to take probate, does not appear, his right in respect of the executorship wholly ceases; and, without further renunciation, the representation to the testator and the administration of his property go and may be committed as if that person had not been appointed executor.

234. Every will or copy of a will to which an executor or an administrator with will annexed is sworn shall be marked by the executor or administrator and by the person before whom he is sworn.

235. The Court shall take care that the copies of wills to be annexed to probates or letters of administration are fairly and properly written, and shall cause any not so written,

4.—*Intestacy.*

236. The Court, in granting letters of administration, shall proceed, as far as may be, as in cases of probate.

The Court shall ascertain the time and place of the deceased's death and the value of the property to be covered by the administration.

The person to whom administration is granted shall give bond with two or more responsible subjects, or protected persons, as sureties, to the Judge of the Supreme Court, to ensure to the Judge for the time being, conditioned for duly collecting, getting in, and administering the personal property of the deceased.

Where, however, the property is under the value of 50*l.*, the Court may, if it thinks fit, take one surety only.

The bond shall be in a penalty of double the amount under which the personal estate of the deceased is sworn, unless the Court in any case thinks it expedient to reduce the amount, for reasons to be forthwith certified to the Supreme Court, if the Court is other than that Court.

The Court may also in any case direct that more bonds than one shall be given, so as to limit the liability of any surety to such amount as the Court thinks reasonable.

The Judge of the Supreme Court may, on being satisfied that the condition of the bond has been broken, assign the same to some person, and that person may thereupon sue on the bond in his own name, as if it had been originally given to him instead of to the Judge, and may recover thereon, as trustee for all persons interested, the full amount recoverable in respect of any breach of the condition of the bond.

237. Where administration is applied for by one or some of the next-of-kin only, there being another or other next-of-kin equally entitled thereto, the Court shall require proof that notice of the application has been given to the other next-of-kin.

5.—*Administration of Property.*

238. A person claiming to be a creditor or legatee, or the next-of-kin or one of the next-of-kin, of a deceased person, may apply for and obtain, without petition filed or other preliminary proceeding, a summons from the Court requiring the executor or administrator (as the case may be) of the deceased to attend before the Court and show cause why an order for the administration of the property of the deceased should not be made.

On proof of service of the summons, or on appearance of the executor or administrator, and on proof of all such other things (if any) as the Court thinks fit, the Court may, if it thinks fit, make an immediate order for the administration of the property of the deceased, and the order so made shall have the force of an order to the like effect made on the hearing of a suit between the same parties.

The Court shall have full discretionary power to make or refuse any such order, or to give any special directions respecting the carriage or execution of

is, and in the case of applications for such an order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants, or classes of claimants, as the Court thinks fit.

If the Court thinks fit, the carriage of the order may subsequently be given to such person, and on such terms, as the Court thinks fit.

On making such an order, or at any time afterwards, the Court may, if it thinks fit, make any further or other order for compelling the executor or administrator to bring into Court for safe custody, all or any part of the money, or securities, or other property of the deceased, from time to time coming to his hands, or otherwise for securing the safe-keeping of the property of the deceased, or any part thereof.

If the extreme urgency or other peculiar circumstances of the case appear to the Court so to require (for reasons recorded in the minutes), the Court may of its own motion issue such a summons, and make such an order or such orders, and cause proper proceedings to be taken thereon.

239. In a case of intestacy, where the peculiar circumstances of the case appear to the Court so to require (for reasons recorded in the minutes), the Court may, if it thinks fit, of its own motion, grant letters of administration to an officer of the Court.

The officer so appointed shall act under the direction of the Court, and shall be indemnified thereby.

He shall publish such notices, if any, as the Court thinks fit, in the Ottoman dominions, the United Kingdom, India, and elsewhere.

The Court shall require and compel him to file in the Court his accounts of his administration at intervals not exceeding three months.

The accounts shall be in all cases audited by the Supreme Court, or in Egypt by the Court for Egypt; for which purpose every Court other than those shall, on the first day of February and the first day of August in every year, send to the Supreme Court, or to the Court for Egypt, as the case requires, all accounts so filed in the then last preceding half year.

IX.—Appeal to Supreme Court.

I.—*General Provisions.*

240. Where in a civil suit or proceeding a decision of a Court other than the Supreme Court, sitting with or without assessors—

(i) is given in respect of a sum of 50*l.* or upwards; or

(ii) determines, directly or indirectly, a claim or question respecting money, goods, or other property or any civil right or other matter of the amount or value of 50*l.* or upwards;

any party aggrieved by the decision may apply to the Court (in this Order referred to as the Court below) for leave to appeal to the Supreme Court.

The applicant shall give security to the satisfaction of the Court below to an amount not exceeding 100*l.* for prosecution of the appeal, and for payment of all such costs as may be awarded to any respondent by the Supreme Court.

He shall also pay into the Court below a sum estimated by that Court to be the amount of the expense of the making-up and transmission to the Supreme Court of the record.

If security and payment are so given and made within fourteen days after application made, then and not otherwise the Court below shall (subject to the provisions of this Order) give leave to appeal.

In any other case the Court below may, if that Court thinks fit, give leave to appeal on like terms.

In any case the Supreme Court may give leave to appeal on such terms as that Court thinks just.

241. After six months from the date of an order, application for leave to appeal against it shall not be entertained by the Court below.

After twelve months from the date of an order, application for leave to appeal against it shall not be entertained by the Supreme Court.

242. Where leave to appeal is applied for by a person ordered to pay money, or do any other act, the Court below shall direct either that the decision to be appealed from be carried into execution, or that the execution thereof be suspended pending the appeal, as that Court thinks just.

If the Court directs the decision to be carried into execution, the person in whose favour it is given shall, before the execution of it, give security to the satisfaction of the Court for performance of such order as shall be made on appeal.

If the Court directs the execution of the decision to be suspended, the person against whom it is given shall, before an order or suspension is made, give security to the satisfaction of the Court for performance of such order as shall be made on appeal.

243. An appeal shall not lie from an order made without notice.

If any person thinks himself aggrieved by an order so made, he may apply to the Court below to vary or discharge it, and an appeal lies from the decision on that application.

244. An appeal from an order made at the hearing of a suit shall be made by petition.

Other appeals shall be made by motion.

2.—Appeals by Petition.

245. In case of an appeal by petition, the appellant shall file his petition of appeal in the Court below within fourteen days after leave to appeal is given.

246. The petition shall contain an exposition of the appellant's case as supported by evidence already before the Court and by the record as it stands.

It shall set forth the grounds of appeal and the particulars in which the order appealed from is considered by the appellant to be erroneous as

defective, and shall pray that the order may be reversed or varied, and that the Supreme Court may make the particular order to which, on the record and evidence as it stands, the appellant conceives himself entitled, or such other order as the Court shall think just.

It may contain any matter by way of argument in support of the appeal.

The petition of appeal shall be served on such persons as respondents as the Court below directs.

247. A respondent may, within fourteen days after service, file in the Court below an answer to the petition.

The answer shall contain an exposition of his case as supported by the evidence already before the Court, and by the record as it stands.

It may contain any matter by way of argument against the appeal.

Copies of the answer shall be furnished by the Court below to such persons as the Court thinks fit.

248. An objection to an appeal as being out of time, or on any ground other than on the merits, shall be substantially raised by the party desiring to rely thereon in and by his answer.

Where an answer is not filed, or such an objection is not raised in the answer, no such objection shall be admitted at the hearing of the appeal.

But the absence of an answer shall not preclude any person interested in supporting the order from supporting it on the merits at the hearing of the appeal.

249. On the expiration of the time for answering, the Court below shall, without receiving any further pleading in appeal, and without the application of any party, make up the record of appeal, which shall consist of the petition, answer, orders, and proceedings, a certified copy of all written and documentary evidence admitted or tendered, and the notes of the oral evidence, the petition of appeal, and the answer.

The several pieces shall be fastened together, consecutively numbered, and the whole shall be secured by the seal of the Court below, and be forthwith forwarded by that Court to the Supreme Court.

The Court below shall not, except for some special cause, take on itself the responsibility of the charge or of the transmission to the Supreme Court of original letters or documents produced in evidence. They shall be returned to the parties producing them, and they shall produce the originals if required by the Supreme Court, at or before the hearing of the appeal.

250. After the record of appeal is transmitted, until the appeal is disposed of, the Supreme Court shall be in possession of the whole suit as between the parties to the appeal.

Every application in the suit shall be made to the Supreme Court, and not to the Court below, but any application may be made through the Court below.

251. The Supreme Court shall, after receiving the record of appeal, fix a day for the hearing thereof, and shall give notice thereof through the

Court below to the parties to the appeal, such a day being fixed as will allow of the parties attending in person or by counsel or attorney, if they so desire.

But if all the several parties to an appeal appear in person at Constantinople or appoint persons there to represent them as their counsel or attorneys in the appeal and cause the appearance or appointment to be notified to the Supreme Court, the Court shall dispose of the appeal, without giving notice through the Court below of the day fixed for the hearing thereof.

252. The Supreme Court may, if it thinks fit, require a party to an appeal to appear personally before it on the hearing of the appeal, or on any occasion pending the appeal.

253. It is not open, as of right, to a party to an appeal to adduce new evidence in support of his original case, but a party may allege any facts material to the issue that have come to his knowledge after the decision of the Court below, and may adduce evidence in support of his allegations.

The Supreme Court may, if it thinks fit, allow or require new evidence to be adduced.

254. The Supreme Court may, from time to time, make any order necessary for determining the real question in controversy in the appeal, and for that purpose may, as among the parties to the appeal, amend any defect or error in the record of appeal.

The Supreme Court may direct the Court below to inquire into and certify its finding on any question as among those parties, or any of them, which the Supreme Court thinks fit to determine before final judgment in the appeal.

Generally, the Supreme Court shall, as among the parties to the appeal, have as full jurisdiction over the whole suit as if had been originally instituted and prosecuted in the Supreme Court by parties subject to the ordinary original jurisdiction of the Supreme Court, and may re-hear the whole case, or may remit it to the Court below to be re-heard, or to be otherwise dealt with as the Supreme Court directs.

255. On appeal from a Court where trial with a jury can be had, if the Supreme Court thinks fit to direct a re-hearing, it may direct that the re-hearing shall be with a jury.

3.—Appeals by Motion.

256. In case of an appeal by motion the appellant shall file his appeal motion-paper in the Court below within seven days after leave to appeal is given.

He may at the same time file any argument which he desires to submit to the Supreme Court in support of the appeal.

The motion-paper and the argument (if any) shall be served on such one or more respondents as the Court below directs.

A respondent may, within seven days after service, file in the Court below such argument as he desires to submit to the Supreme Court against the appeal.

Copies thereof shall be furnished by the Court below to such persons as the Court thinks fit.

On the expiration of the time for the respondent filing his argument, the Court below shall make up the record of appeal as nearly as may be as on an appeal by petition.

Where a party to the appeal notifies to the Supreme Court his desire to attend in person, or by counsel or attorney, when the motion is being disposed of, he shall be at liberty to do so, and the Court shall hear him, or his counsel or attorney, before disposing of the motion.

X.—Appeal from Supreme Court to Her Majesty in Council.

257. Where in a civil suit or proceeding a final order of the Supreme Court, or a rule or order of that Court having the effect of a final or definitive judgment, decree, or sentence—

(i) is made or given in respect of a sum of 500*l.* or upwards; or

(ii) determine, directly or indirectly, a claim or question respecting money, goods, or other property, or any civil right or other matter at issue, of the amount or value of 500*l.* or upwards;

any party aggrieved thereby may, within fifteen days after the same is made or given, apply by motion to the Supreme Court for leave to appeal to Her Majesty the Queen in Council.

The applicant shall give security to the satisfaction of the Court to an amount not exceeding 500*l.* for prosecution of the appeal, and for payment of all such costs as may be awarded to any respondent by Her Majesty in Council, or by the Lords of the Judicial Committee of Her Majesty's Privy Council.

He shall also pay into the Supreme Court a sum estimated by that Court to be the amount of the expense of the making-up and transmission to England of the transcript of the record.

If security and payment are so given and made within one month from the filing of the motion-paper for leave to appeal, then, and not otherwise, the Supreme Court shall give leave to appeal, and the appellant shall be at liberty to prefer and prosecute his appeal to Her Majesty in Council according to the rules for the time being in force respecting appeals to Her Majesty in Council from Her Colonies, or such other rules as Her Majesty in Council from time to time thinks fit to make concerning appeals from the Supreme Court.

In any case the Supreme Court, if it considers it just or expedient to do so, may give leave to appeal on the terms and in the manner aforesaid.

258. Where leave to appeal is applied for by a person ordered to pay money or do any other act, the Supreme Court shall direct either that the order appealed from be carried into execution, or that the execution thereof be suspended pending the appeal, as the Court thinks just.

If the Court directs the order to be carried into execution, the person in whose favor it is made shall, before the execution of it, give security to the

satisfaction of the Court for performance of such order as Her Majesty in Council may think fit to make.

If the Court directs the execution of the order to be suspended, the party against whom it is given shall, before an order for suspension is made, give security to the satisfaction of the Court for performance of such order as Her Majesty in Council may think fit to make.

259. This Order shall not affect the right of Her Majesty at any time, on the humble petition of a person aggrieved by a decision of the Supreme Court, to admit his appeal thereon on such terms and in such manner as Her Majesty in Council may think fit, and to deal with the decision appealed from in such manner as may be just.

XI.—Criminal Authority and Procedure.

1.—General Provisions.

260. Except as regards offences against the Capitulations, Articles of Peace, and Treaties between Her Majesty the Queen and the Sublime Ottoman Porte, or against any Rules and Regulations for the observance thereof or for the maintenance of order among Her Majesty's subjects and protected persons in the Ottoman dominions made by or under the authority of Her Majesty, or against any of the provisions of this order,—

Any act done by a subject or protected person in the Ottoman dominions or on board a British vessel within those dominions, that would not by a Court of justice having criminal jurisdiction in England be deemed a crime or offence making the person doing the act amenable to punishment in England, shall not, in the exercise of criminal jurisdiction under this Order, be deemed a crime or offence making the person doing the act amenable to punishment.

261. If a subject or protected person is guilty—

(i) of publicly deriding, mocking, or insulting any religion established or observed within the Ottoman dominions; or

(ii) of publicly offering insult to any religious service, feast, or ceremony established or kept in any part of those dominions, or to any place of worship, tomb, or sanctuary belonging to any religion established or observed within those dominions, or belonging to the ministers or professors thereof; or

(iii) of publicly and wilfully committing any act tending to bring any religion established or observed within those dominions, or its ceremonies, mode of worship, or observances, into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace:

he shall be deemed guilty of an offence against this Order, and shall for every such offence be liable, in the discretion of the Court, to imprisonment for not more than two years, with or without hard labour, and with or without a fine of not more than 100*l.*, or to a fine of not more than 100*l.* alone.

Notwithstanding anything in this Order, every charge against a subject or protected person of having committed an offence under this provision shall be heard and determined by summary trial; and any Provincial Court held before a commissioned Consular officer shall have power to impose the punishment aforesaid.

Consular officers shall take such precautionary measures as seem to them proper and expedient for the prevention of such offences.

262. Every Court shall have authority to cause to be apprehended and brought before it any subject or protected person being within the district of the Court and charged with having committed a crime or offence within the Ottoman dominions, or on board a British vessel being at the time of the commission thereof within those dominions, and to deal with the accused according to the jurisdiction of the Court, and in conformity with the provisions of this Order; or where the crime or offence is triable and is to be tried in England, to take the preliminary examination, and to commit the accused for trial, and cause or allow him to be taken to England.

263. Where a person charged with a crime or offence escapes or removes from the Consular district within which the crime or offence was committed and is found within another Consular district, the Court within whose district he is found may proceed in the case to examination, trial on indictment, and punishment, or to summary trial (as the case may require), in like manner as if the crime or offence had been committed in its own district; or may on the requisition or with the consent of the Court within whose district the crime or offence was committed, send him in custody to that Court, or require him to give security for his surrender to that Court, there to answer the charge and to be dealt with according to law.

Where any person is to be so sent in custody, a warrant shall be issued by the Court within whose district he is found, and that warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and to carry him to and deliver him up to the Court within whose district the crime or offence was committed, according to the warrant.

264. Where a warrant or order of arrest is issued by a competent authority in Malta for the apprehension of a subject, a native of Malta, or of any of its dependencies, who is accused of having committed a crime or offence within the jurisdiction of the authority issuing the warrant or order, and who is, or is supposed to be, in the Ottoman dominions, and the warrant or order is produced to the Court, the Court may back the warrant or order, and the same, when so backed, shall be sufficient authority to any person to whom it was originally directed, and also to any constable or any other officer of the Court by which it is backed, to apprehend the accused at any place in the Ottoman dominions where the Court backing the warrant or order has jurisdiction, and to carry him to and deliver him up at Malta, according to the warrant or order.

265. Where a subject is charged with the commission of a crime or offence, the cognizance whereof appertains to the Court, and it is expedient

that the crime or offence be inquired of, tried, determined, and punished within Her Majesty's dominions elsewhere than in England, the accused may (under the Foreign Jurisdiction Act, Section 4) be sent for trial, as follows, namely,—with respect to native Indian subjects, to Bombay, and with respect to other subjects, to Malta.

The Judge of the Supreme Court or the Court for Egypt may, where it appears so expedient, by warrant under his hand and the seal of that Court, cause the accused to be sent for trial to Bombay or to Malta (as the case may require) accordingly.

The warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and to carry him to and deliver him up to Bombay or to Malta (as the case may be) according to the warrant.

Where any person is to be so sent to Bombay or to Malta, the Court before which he is charged shall take the preliminary examination, and shall bind over such of the proper witnesses as are subjects or protected persons in their own recognizances to appear and give evidence on the trial.

2.—Supreme Court, and Court for Egypt.

266. All crimes which in England are capital, tried elsewhere than in Egypt, shall, subject to the provisions of this Order, be tried by the Judge of the Supreme Court with a jury, or, where, in the opinion of the Judge, a jury cannot be obtained, with an Assessor or Assessors.

Other crimes and offences above the degree of misdemeanour, tried before the Supreme Court, and not heard and determined by summary trial, shall, subject to the provisions of this Order, be tried with a jury, or, where, in the opinion of the Judge, a jury cannot be obtained with an Assessor or Assessors.

A crime or offence tried before the Supreme Court may be tried with a jury, or, where, in the opinion of the Judge, a jury cannot be obtained, with an Assessor or Assessors, if the Judge or Assistant Judge so directs.

Subject to the foregoing provisions, such classes of criminal cases being within the original jurisdiction (ordinary or concurrent) of the Supreme Court and tried before that Court as the Judge, having regard to the law and practice existing in England, from time to time directs, shall be heard and determined by summary trial.

The Assistant Judge of the Supreme Court shall hear and determine by summary trial such criminal charges as may under this Order be properly so heard and determined, and as are from time to time referred to him by the Judge.

267. All crimes which in England are capital, tried in Egypt, shall, subject to the provisions of this Order, be tried by the Judge of the Court for Egypt with a jury, or, where, in the opinion of the Judge, a jury cannot be obtained, with an Assessor or Assessors.

Other crimes and offences above the degree of misdemeanour, tried before the Court for Egypt, and not heard and determined by summary trial, shall, subject to the provisions of this Order, be tried with a jury, or, where, in the opinion of the Judge, a jury cannot be obtained, with an Assessor or Assessors.

A crime or offence tried before that Court may be tried with a jury, or, where, in the opinion of the Judge, a jury cannot be obtained, with an Assessor or Assessors, if the Judge so directs.

Subject to the foregoing provisions, such classes of criminal cases being within the original jurisdiction (ordinary or concurrent) of the Court for Egypt, and tried before that Court, as the Supreme Court, with the advice and assistance of the Court for Egypt, having regard to the law and practice existing in England, from time to time directs, shall be heard and determined by summary trial.

The Law Secretary of the Court for Egypt shall hear and determine by summary trial such criminal charges as may under this Order be properly so heard and determined, and as are from time to time referred to him by the Judge of the Court for Egypt.

268. The Supreme Court, and the Court for Egypt, may impose the punishment of imprisonment for not more than twenty-years, with or without hard labor, and with or without a fine of not more than 500*l.*, or the punishment of a fine alone of not more than 500*l.*

269. When an accused person is convicted of murder, the proper officer of the Court, under the direction of the Judge, shall, in open Court, require the offender to state if he has anything to say why judgment of death should not be recorded against him.

If the offender does not allege anything that would be sufficient in law to prevent judgment of death if the offence and trial had been committed and had in England, the Judge may order that judgment of death be entered on record.

Thereupon the proper officer shall enter judgment of death on record against the offender, as if judgment of death had been actually pronounced on him in open Court by the Judge.

Where the case is tried in Egypt, the Judge shall forthwith send a report of the judgment, with a copy of the minutes and of the notes of evidence and any observations which he thinks fit to make, to the Supreme Court. The Supreme Court shall send the same to the Secretary of State, for his direction respecting the punishment to be actually imposed.

Where the case is tried elsewhere than in Egypt, the Judge of the Supreme Court shall, in like manner, report the case to the Secretary of State for his direction.

The punishment actually imposed shall not in any case exceed the measure of imprisonment and fine which the Supreme Court and the Court for Egypt are empowered by this Order to impose.

3.—Provincial Court at Tunis.

270. The Supreme Court may, from time to time, by deputation in writing under the hand of the Judge and the seal of the Court, authorize the Consul-General at Tunis—

(i) to exercise there such criminal jurisdiction vested in the Supreme Court, as is described in the deputation; and

(ii) to refer, from time to time, to the Vice-Consul at Tunis such criminal charges as are described in the deputation;

and all such jurisdiction as aforesaid may be exercised, and all criminal charges referred in pursuance of the deputation shall be so heard and determined, accordingly.

A deputation shall not have effect until it has been approved in writing by the Secretary of State, and may at any time be revoked by the Secretary of State, by writing under his hand, or by the Supreme Court, by writing under the hand of the Judge and the seal of the Court.

In the absence of any such deputation, and as far as the same does not extend, the Consul-General at Tunis shall have the same jurisdiction in criminal matters as he would have had if this provision had not been inserted in this Order.

4.—Provincial Courts, generally.

271. Where the crime or offence with which a person is charged before a Provincial Court, held before a commissioned Consular officer, is any crime or offence other than assault endangering life, cutting, maiming, arson, or housebreaking, and appears to the Court to be such that, if proved, it would be adequately punished by imprisonment, with or without hard labour, for not more than three months, or by a fine of not more than 20*l.*, the Court shall hear and determine the case by summary trial and without Assessors.

In other cases the Court shall hear and determine the case on indictment and with Assessors.

The Court may impose the punishment of imprisonment for not more than twelve months, with or without hard labour, and with or without a fine of not more than 50*l.*, or the punishment of a fine alone of not more than 50*l.*

272. A Provincial Court, held before an uncommissioned Consular officer, shall have authority to impose the punishment only of a fine of not more than five pounds.

The Court shall hear and determine each case by summary trial.

The conviction may be enforced by execution on the goods of the party ordered to pay the fine, and not otherwise.

In any case pending, the Superintending Consul may, on application of either party, order that the case be sent to him, to be heard and determined by him, or that it be transmitted to the Supreme Court, or in Egypt to the Court for Egypt, to be there heard and determined; and the case shall be so heard and determined accordingly.

Within seven days after deciding any case, tho Consular Officer shall report the same to his Superintending Consul, and transmit therewith a copy of all the proceedings.

273. Where the crime or offence with which an accused person is charged before the Provincial Court appears to the Court to be such that, if proved, it would not be adequately punished by such punishment as the Court has power to impose, and the accused is not to be sent for trial to England, Bombay, or Malta, the Court shall reserve the case—in Egypt, to be heard and determined by or under the direction of the Court for Egypt—and elsewhere to be heard and determined by or under the direction of the Supreme Court.

The Court shall take the depositions, and forthwith send them, with a minute of other evidence, if any, and a report on the case, to the Court for Egypt, or the Supreme Court as the case may be.

The Court for Egypt or the Supreme Court, as the case may be, shall direct in what mode and where, consistently with the provisions of this Order, the case shall be heard and determined, and the same shall be so heard and determined accordingly.

5.—Preliminary Procedure.

Summons or Warrant.

274. In every case, whether the charge is or is not such as must or may be heard and determined by summary trial, the Court shall proceed, if the accused is not already in custody, either by way of summons to him, or by way of warrant for his apprehension in the first instance, according to the nature and circumstances of the case.

For the issuing of a summons the charge need not be put in writing or to be sworn to unless the Court so directs.

The person effecting service shall attend at the time and place mentioned in the summons to prove service.

Notwithstanding the issuing of a summons, a warrant may be issued at any time before or after the time appointed in the summons for the appearance of the accused.

A warrant shall not be issued, in the first instance, unless the charge is in writing on the oath of the person laying the charge, or of some witness.

If a person summoned does not obey the summons the Court may (after proof of the service of the summons) issue a warrant for his apprehension.

A warrant need not be made returnable at any particular time, but may remain in force until executed.

It may be executed by the apprehension of the accused at any place within the particular jurisdiction, and in case of fresh pursuit it may be executed at any place in another Consular district, without application to the Court for that district.

Search Warrant.

275. Where it is proved that in fact, or according to reasonable suspicion, any thing on, by, or in respect of which a crime or offence cognisable by the Court has been committed is in a house or place of a subject or protected person, the Court may, by warrant (called a search warrant), authorize an officer of the Court therein named to search the house or place (which shall be named or described in the order), and if any thing searched for be found, to seize it, and apprehend the occupier of the house or place.

A general search warrant shall not be granted.

The officer named in the warrant shall alone execute it, but he may be accompanied by any persons necessary to assist him.

If the house or place is closed, and the officer is denied admission, after demanding admission and disclosing his authority and the object of his visit, it may be forced open.

Where there is suspicion only, the warrant shall so state, and then it shall be executed in the day-time ; otherwise, it may be executed in the night-time.

Sunday and Holydays.

276. A search warrant, or a warrant for apprehension or commitment, or other purpose, may be issued and executed on Sunday, Good Friday, or Christmas Day, where the urgency of the case so requires.

Expenses.

277. The Court may order a person convicted before it, by summary trial or on indictment, to pay all or any specified part of the expenses of his prosecution, or of his imprisonment or other punishment, or of both.

Where it appears to the Court that a charge is malicious, or frivolous and vexatious. the Court may order the prosecutor to pay all or any specified part of the expenses of the prosecution.

In these respective cases the Court may order that the whole or such portion as the Court thinks fit of the expenses so paid be paid over to the prosecutor or to the accused (as the case may be).

In all cases the reasons of the Court for making or refusing any such order shall be recorded in the minutes.

Damages for Assault.

278. The Court may, if it thinks fit, order a person convicted before it, by summary trial or on indictment, of an assault, to pay to the person assaulted by way of damages, a sum not exceeding 10*l.*

Damages so ordered to be paid may be either in addition to or in lieu of a penalty, and shall be recoverable in like manner as a penalty.

6.—Summary Trial.

279. The following provisions, under the head of Summary Trial, apply exclusively to cases where the charge is heard and determined by summary trial.

280. Where the accused comes before the Court on summons, or warrant, or otherwise, either originally or on adjournment, then, if the prosecutor, having had notice of the time and place appointed for the hearing or adjourned hearing of the charge, does not appear, the court shall dismiss the charge, unless for some reason, recorded in the minutes, it thinks fit to adjourn or further adjourn the hearing.

If both parties appear the Court shall proceed to hear and finally determine the charge.

281. The room or place in which the Court sits to hear and determine the charge is an open and public Court, and the public generally may have access thereto as far as it can conveniently contain them.

282. The substance of the charge shall be stated to the accused, and he shall be asked if he admits or denies the truth of the charge.

If he admits the truth of the charge, the Court may convict him thereof.

If he denies the truth of the charge, the Court shall proceed to hear the prosecutor and his witnesses and other evidence.

At the close of the prosecutor's evidence, if it appear to the Court that the case is made out against the accused sufficiently to require him to make a defence, the Court shall ask him if he wishes to say anything in answer to the charge, or has any witnesses to examine or other evidence to adduce in his defence; and the Court shall then hear the accused and his witnesses, and other evidence, if any.

283. The prosecutor shall be at liberty to conduct the charge, and to have witnesses examined and cross-examined by counsel or attorney on his behalf.

284. The accused shall be at liberty to make his full answer and defence to the charge, and to have witnesses examined and cross-examined by counsel or attorney on his behalf, and if he does not employ counsel or attorney, the Court shall, at the close of the examination of each witness for the prosecution, ask the accused whether he wishes to put any questions to that witness.

If he puts any question to a witness, that witness may be re-examined by or on behalf of the prosecutor.

285. If the accused adduces in his defence any evidence other than evidence to character, the prosecutor may, if the Court thinks fit, adduce evidence in reply.

But the prosecutor shall not in any case be allowed to make any observations by way of reply to the evidence adduced by the accused, nor shall the accused in any case be allowed to make any observations on evidence adduced by the prosecutor in reply.

286. A variance between the charge and the evidence adduced in support of it with respect to the time at which the alleged crime or offence was committed shall not be deemed material, if it is proved that the charge was in fact made within the time (if any) limited by law for the making thereof.

But if any variance between the charge and the evidence appears to the Court to be such that the accused has been thereby deceived or misled, the Court may adjourn the hearing.

287. At any time before or during the hearing of the charge the Court may, if it thinks fit, for reasons recorded in the minutes, adjourn the hearing.

An adjournment ordered for any cause shall be made to a certain time and place, appointed and stated at the time of adjournment in the presence and hearing of the parties or their respective counsel or attorneys.

During an adjournment the Court may, in its discretion, according to the nature and circumstances of each case, either suffer the accused to go at large or commit him by warrant to such prison or other place of security, or to such other safe custody, as the Court thinks fit, or may discharge him on his entering into a recognisance, with or without a surety or sureties, at the discretion of the Court, for his appearance at the time and place of adjournment.

If at any time and place of adjournment of a trial which has once begun, the accused does not appear, the Court may, if it thinks fit, proceed with the further hearing as if he was present.

288. The Court having heard what each party has to say as aforesaid, and the witnesses, and the evidence adduced, shall consider the whole matter and finally determine the same, and shall either convict the accused or dismiss the charge.

In case of conviction, an order of conviction shall be drawn up in form and shall be preserved among the records of the Court.

In case of dismissal, the Court shall, on the application of the accused make an order of dismissal, an office copy whereof shall, on being produced, without further proof, be a bar to any subsequent charge against him for the same matter.

289. Where the Court orders money to be paid by a person convicted, or by a prosecutor, for penalty, compensation expenses, or otherwise, the money may be levied on the goods of the person ordered to pay the same, by distress and sale under warrant.

That person may pay or tender to the officer having the execution of the warrant the sum therein mentioned, with the amount of the expenses of the distress up to the time of payment or tender, and thereupon the officer shall cease to execute the same.

290. If the officer having the execution of the warrant returns that he could find no goods, or no sufficient goods whereon to levy the money mentioned in the warrant with expenses, the Court may by warrant commit the person ordered to pay to prison for a time specified in the warrant, unless the

money, and all expenses of the distress, commitment, and conveyance to prison, to be specified in the warrant, are sooner paid.

Where it is proved that distress and sale of goods will be ruinous to the person ordered to pay the money and his family or (by his confession or otherwise) that he has no goods whereon a distress may be levied, then the Court, if it thinks fit, may, instead of issuing a warrant of distress, commit him to prison, with or without hard labour, for a time specified in the warrant, unless the money, and all expenses of the commitment and conveyance to prison, to be specified in the warrant, are sooner paid.

The person committed may pay the sum mentioned in the warrant, with the amount of expenses therein mentioned (if any) to the person in whose custody he is, and that person shall thereupon discharge him, if he is in custody for no other matter.

The commitment, in case of a Provincial Court held before an un-commissioned Consular Officer, shall not be for more than fourteen days, and in any other case shall not be for more than two months.

291. Where a conviction does not order the payment of money, but orders that the offender be imprisoned, the Court shall issue a warrant of commitment accordingly.

7.—Trial on Indictment.

292. The following provisions, under the head of Trial on Indictment, apply exclusively to cases where the charge is not heard and determined by summary trial.

293. Where the accused comes before the Court on summons or warrant, or otherwise the Court shall, in his presence, take the statements on oath of those who know the facts and circumstances of the case, and put them in writing (called the depositions).

The accused may put questions to each witness produced against him and the witness's answer thereto shall be part of his deposition.

The deposition of each witness shall be read over to the witness, and shall be signed by him.

294. No objection to a charge, summons, or warrant, for defect in substance or in form, or for variance between it and the evidence for the prosecution, shall be allowed; but if a variance appears to the Court to be such that the accused has been thereby deceived or misled, the Court may on his application adjourn the examination.

295. The Court may by warrant from time to time, if it thinks fit on account of the absence of witnesses or for any other reason (recorded in the minutes) remand the accused for a reasonable time, not exceeding eight days, to some prison or other place of security.

Or if the remand is for not more than three days the Court may, by word of mouth, order the officer or person in whose custody the accused is, or any other fit officer or person, to continue or keep the accused in the custody,

and to bring him up at the time appointed for commencement or continuance of the examination.

During remand the Court may, nevertheless, order the accused to be brought before it.

Or the Court may admit the accused to bail on the remand.

296. At the close of the evidence for the prosecution, if the Court considers it not sufficient to put the accused on his trial, the Court shall forthwith order him, if in custody, to be discharged.

297. Otherwise the Court shall (without requiring the attendance of the witnesses) read over to the accused the depositions, and shall then say to him these words:—

Having heard the evidence, do you wish to say anything in answer to the charge? You need not say anything unless you wish. You have nothing to hope from any promise of favour, and nothing to fear from any threat held out to you to induce you to make any admission or confession. Whatever you say will be written down and may be given in evidence against you.

Whatever the accused then says shall be written down, and shall be read over to him, and shall be kept with the depositions.

298. If the Court considers the evidence sufficient to put the accused on his trial, the Court shall order that he be tried on indictment, and shall until the trial either admit him to bail or send him to prison for safe keeping.

299. Where the charge is not of a crime which in England is capital, but is of a crime or offence above the degree of misdemeanour, and is to be tried before the Supreme Court, or the Court for Egypt, and the trial is to be had where a jury can be obtained, then the Court, on ordering that the accused be tried on indictment, shall ask him whether or not he wishes to be tried with a jury.

If he answers in the negative, then the trial shall be had without a jury unless not less than forty-eight hours before the time appointed for the trial he files in the Court a notice in writing, stating his wish to be tried with a jury.

300. Where the accused is charged with—

Felony;

Assault with intent to commit felony;

Attempt to commit felony;

Obtaining or attempting to obtain property by false pretences;

Receiving stolen property or property obtained by false pretences;

Perjury, or subornation of perjury;

Concealing the birth of a child by secret burying or otherwise;

Indecent exposure of the person;

Riot;

Assault on a constable or officer of the Court in the execution of his duty, or on any person acting in his aid;

Neglect or breach of duty as a constable or officer of the Court; the Court may, if it thinks fit, admit him to bail.

Where he is charged with an indictable misdemeanour, not before in this provision specified, the Court shall admit him to bail unless the Court sees good reason to the contrary (recorded in the minutes).

If he is charged with murder or treason he shall not be admitted to bail except by the Judge of the Supreme Court.

The Judge of the Supreme Court may, if he thinks fit, admit any person to bail, although the Court before which the charge is made has not thought fit to do so.

A person may be admitted to bail at any time after he has been ordered to be tried on indictment.

301. The accused who is to be admitted to bail, either on remand or on or after trial ordered, shall produce such surety or sureties as, in the opinion of the Court, will be sufficient to ensure his appearance as and when required, and shall with him or them enter into a recognisance accordingly.

302. The Court shall bind by recognisance the prosecutor and every witness to appear at the trial to prosecute, or to prosecute and give evidence, or to give evidence (as the case may be).

If a person refuses to enter into a recognisance the Court may send him to prison, there to remain until after the trial, unless in the meantime he enters into a recognisance.

But if afterwards, from want of sufficient evidence or other cause, the accused is discharged, the Court shall order that the person imprisoned for so refusing be also discharged.

303. The room or place in which the preliminary examination is held is not an open or public Court for that purpose, and the Court may, if it thinks that the ends of justice will be best answered by so doing order that no person have access to, or be or remain in that room or place without the express permission of the Court.

304. A person who has been ordered to be tried on indictment shall be entitled to have a copy of the depositions, on payment of a reasonable sum not exceeding 6*d.* for every 100 words, or, if the Court thinks fit, without payment.

The Court shall, at the time of ordering the trial, inform him of the effect of this provision.

305. The written charge (if any), the depositions, the statement of the accused, the recognizances of prosecutor and witnesses, and the recognizances of bail (if any), shall be carefully transmitted in proper time to the Court before which the trial is to be held.

306. The Supreme Court shall, when required by the Secretary of State, send to him a report of the sentence of the Court in any case tried on indictment, with a copy of the minutes and notes of evidence and with any observations which the Court thinks fit to make.

The Court for Egypt and every Provincial Court shall forthwith send to the Supreme Court a report of the sentence of the Court in every case tried on indictment, with a copy of the minutes and notes of evidence and with any observations which the Court thinks fit to make. The Supreme Court shall, when required by the Secretary of State, transmit the same to him, with any observations which the Court thinks fit to make.

8.—Appeal on Law to Supreme Court.

307. Where a person is convicted, either by summary trial or on indictment, before a Court other than the Supreme Court (in this provision referred to as the Court below):

(i) if he considers the conviction erroneous in law, then, on this application (unless it appears merely frivolous, when it may be refused): or,

(ii) if the Court below thinks fit to reserve for consideration of the Supreme Court any question of law arising on the trial;

the Court below shall state a case, setting out the facts and the grounds of the conviction, and the question of law, and send it to the Supreme Court.

Thereupon the Court below shall, as it thinks fit, either postpone judgment, on the conviction, or respite execution of the judgment, and either commit the person convicted to prison, to take security for him to appear and receive judgment or to deliver himself for execution of the judgment (as the case may require) at an appointed time and place.

The Supreme Court shall hear and finally determine the matter, and thereupon shall reverse, affirm, or amend the judgment given [or set it aside, and order an entry to be made in the minutes that in the judgment of the Supreme Court the person ought not to have been convicted], or order judgment to be given at a subsequent sitting of the Court below,—or make such other order as the Supreme Court thinks just,—and shall also give all necessary and proper consequential directions.

The judgment of the Supreme Court shall be delivered in open Court, after the public hearing of any argument offered on behalf of the prosecution or of the person convicted.

Before delivering judgment, the Supreme Court may, if necessary, cause the case to be amended by the Court below.

9.—Punishment.

308. The Supreme Court may, if it thinks fit, by warrant under the hand of the Judge and the seal of the Court, cause an offender convicted before any Court and sentenced to imprisonment, to be sent to and imprisoned at any place in the Ottoman dominions, approved for that purpose by the Secretary of State.

The warrant shall be sufficient authority to any person to whom it is directed, to receive and detain the person therein named and to carry him to and deliver him up at the place named, according to the warrant.

309. When an offender convicted before any Court is sentenced to imprisonment and it appears to the Supreme Court, or, as regards Egypt, the Court for Egypt, expedient that the sentence be carried into effect within Her Majesty's dominions, the offender may (under The Foreign Jurisdiction Act, Section 5), be sent for imprisonment as follows, namely,—with respect to native Indian subjects, to Bombay, and with respect to other persons, to Malta or Gibraltar.

The Supreme Court, or the Court for Egypt, may, by warrant under the hand of the Judge and the seal of the Court, cause the offender to be sent to Bombay or to Malta or Gibraltar (as the case may require), in order that the sentence may be there carried into effect accordingly.

The warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named and to carry him to and deliver him up at the place named according to the warrant.

310. The Supreme Court may, if it thinks fit, report to the Secretary of State recommending a mitigation or remission of any punishment awarded by any Court; and thereupon the punishment may be mitigated or remitted.

But such a recommendation shall not be made with respect to a punishment awarded by a Court other than the Supreme Court, except on the recommendation of that other Court, or on the dissent of the Assessors or Assessor, if any, from the conviction or from the amount of punishment awarded.

10.—Deportation of Offenders.

311. (i) Where it is proved that there is reasonable ground to apprehend that a subject or protected person is about to commit a breach of the public peace,—or that the acts or conduct of a subject or protected person are or is likely to produce or excite to a breach of the public peace,—the Court may, if it thinks fit (for reasons recorded in the minutes) cause him to be brought before it and require him to give security to the satisfaction of the Court, to keep the peace, or for his future good behaviour, as the case may require:

(ii) Where a subject or protected person is convicted of a crime or offence before the Court, or before a Court in the sentence of which one of Her Majesty's Consular officers concurs, the Court for the district in which he is may, if it thinks fit, require him to give security to the satisfaction of the Court for his future good behaviour, and for that purpose may (if need be) cause him to be brought before the Court:

In either of these cases, if the person required to give security fails to do so, the Court may order that he be deported from the Ottoman dominions to such place as the Court directs.

The Court shall not, however, without the consent of the person to be deported, direct the deportation of a native Indian subject to any place other than Bombay,—or of a native of Malta or of any of its dependencies to any

place other than Malta,—or of a native of Gibraltar to any place other than Gibraltar,—or of a person not being a native Indian subject and being a native of any part of Her Majesty's dominions, other than Malta, its dependencies, or Gibraltar, to any place other than England.

A Court other than the Supreme Court or the Court for Egypt shall report to the Supreme Court any order of deportation made by it, and the grounds thereof, before the order is executed. The Supreme Court may reverse the order, or may confirm it with or without variation, and in case of confirmation, shall direct it to be carried into effect.

The person to be deported shall be detained in custody until a fit opportunity for his deportation occurs.

He shall, as soon as is practicable—and in the case of a person convicted, either after execution of the sentence, or while it is in course of execution, —be embarked in custody under the warrant of the Supreme Court, or, as regards Egypt, of the Court for Egypt, on board one of Her Majesty's vessels of war, or if there is no such vessel available, then on board any British or other fit vessel bound to the place of deportation.

The warrant shall be sufficient authority to the commander or master of the vessel to receive and detain the person therein named, and to carry him to and deliver him up at the place named, according to the warrant.

The Court may order the person to be deported to pay all or any part of the expenses of his deportation. Subject thereto, the expenses of deportation shall be defrayed as the expenses relating to distressed British subjects are defrayed, or in such other manner as the Secretary of State from time to time directs.

The Supreme Court and the Court for Egypt (as the case may be) shall forthwith report to the Secretary of State any order of deportation made or confirmed by it, and the grounds thereof; and shall also inform thereof Her Majesty's Ambassador, Minister, or Chargé d'Affaires at the Sublime Ottoman Porte.

If any person deported under this or any former order returns to the Ottoman dominions without permission in writing of the Secretary of State (which permission, the Secretary of State may give) he shall be deemed guilty of an offence against this order, and shall for every such offence be liable to imprisonment for not more than one month, with or without hard labour, and with or without a fine of not more than 10*l.*, or to a fine of not more than 20*l.* alone: and he shall also be liable to be forthwith again deported, and shall not be again entitled to registration under this order.

And the Right Honourable the Earl Granville, and the Right Honourable the Earl of Kimberley, and the Most Noble the Duke of Argyll, three of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

Arthur Helps.

THE FIRST SCHEDULE.

Orders in Council and Rules repealed.

Order in Council; Windsor, 30th November 1864—General Regulation of Jurisdiction.

Order in Council; Windsor, 10th November 1866—Deputation; Egypt.

Order in Council; Windsor, 29th June 1871—Deputation and References; Tunis.

Rules; 29rd January 1863—General Regulation of Procedure.

Rules; 2nd December 1870—Remuneration of Jurors.

THE SECOND SCHEDULE.

FORMS.

I.—Civil.

1.

Issue for Decision on Question of Fact without Suit.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Saturday*] the .[ ] day of [ ], 18

Between *A.B.*
and
C.D.

This Court has ordered that the above-named *A.B.* of [*gentleman*] and the above-named *C.D.* of [*merchant*], may proceed to the trial of the questions of fact to be determined between them without any petition presented or other pleading.

This Court, therefore, now further orders that the following questions be tried:—

1. Whether, &c.
2. Whether, &c.

The said *A.B.* maintaining the affirmative, and the said *C.D.* the negative, thereof respectively.

(Seal.)

2.

Summons on Bill of Exchange or Promissory Note.

In Her Britannic Majesty's Consular Court at [*Smyrna.*].

[*Thursday*] the

[ ] day of [ ], 18

Between *A.B.* ... ... Plaintiff.

and

C.D. ... ... Defendant.

To *C.D.*, of , the above-named Defendant.

You are hereby commanded, in Her Majesty's name, to attend this Court within seven days after service of this Summons on you, inclusive of the day of service, and obtain leave from this Court to defend this suit; otherwise *A.B.*, of the above-named Plaintiff, will be entitled, as of course, to an immediate absolute order against you.

(Seal.)

Indorsement on Summons.

The Plaintiff claims [ ] pounds sterling, principal and interest [*or* balance of principal and interest] due to him as the payee [*or* indorsee] of a bill of exchange or promissory note, of which the following is a copy:—

Here copy bill or note and all indorsements on it.

And if the amount thereof be paid to the Plaintiff within [ ] days from the service hereof, further proceedings will be stayed.

NOTICE.

If the Defendant does not, within seven days after having been served, with this Summons inclusive of the day of service, obtain leave from the Court to defend this suit, the Plaintiff will be entitled, as of course, at any time after the expiration of those seven days, to an immediate absolute order for any amount not exceeding the sum above claimed and such sum as may be fixed by the Court for costs.

Leave to defend the suit may be obtained on application to the Court supported by evidence on oath, showing that there is a defence to the suit on the merits, or that it is reasonable that the Defendant should be allowed to defend the suit; or on payment into Court of the sum hereon indorsed.

3

Summons on Claim under 20l.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Saturday*] the [ ] day of [18 .]

Between *A.B.* ... ... Plaintiff,

and

C.D. ... ... Defendant.

[*or*

In the matter of *E.F.*, an infant].

To *C.D.*, of

, [*gentleman*] the above-named Defendant.

You are hereby commanded, in Her Majesty's name, to attend this Court at [ ] on [ ] the [ ] day of [ ] at o'clock in the [ ] noon on the hearing of a claim [*or* an application] on the part of *A.B.*, of [*merchant*] the above named plaintiff [*state the precise nature and particulars of the claim, and the amount sought to be recovered, or the precise object of the application, as the case may be.*]

(Seal.)

The following Note is to be added to the original Summons and when the time is altered by indorsement, the indorsement is to be referred to as below:—

NOTE.—If you do not attend either in person or by counsel or attorney at the time and place above-mentioned [*or* at the place above-mentioned at the time mentioned in the indorsement hereon], such order will be made and such proceedings taken as the Court may think just and expedient.

4.

Petition.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Between *A.B.* ... ... Plaintiff,

and

C.D. and *E.F.* ... ... } Defendants.

To *X.Y.*, Esquire, Her Britannic Majesty's Consul at [*Smyrna*].

The petition of *A.B.*, of [*merchant*], the above-named Plaintiff, Shows as follows:—

1. [On the 1st day of June 1859, the Defendant, &c.]

2. [On the next day the Plaintiff wrote and sent a letter to the Defendant, the material parts of which were as follows, &c.]

3.....

4.....

The Plaintiff therefore prays—

1. [That an account may be taken of what is due for principal and interest on, &c.]
2. [That the Defendant may be decreed to pay to the Plaintiff the amount which shall be so found due within one calendar month, &c.]
3. [That the Plaintiff may have such further or other relief as the nature of the case may require].

The Defendants to this petition are—

C.D., of , [*merchant*],

E.F., of , [*widow*].

A.B.

[*or* *A.B.* the Plaintiff,

by *L.M.*, his Attorney.]

5.

Answer.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Between *A. B.* ... ... Plaintiff,

and

C. D. and ... ... } Defendants.
E. F. ... ... }

The answer of *C.D.*, one of the above-named Defendants, to the Petition of the above-named Plaintiff.

In answer to the petition I, *C.D.*, say as follows:—

1. .....
2. .....
3. .....

C.D.

[*or* *C.D.*, the Defendant.

by *N.O.*, his Attorney.]

6.

Notice of Hearing.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Saturday*] the [ ] day of [ ], 18 .

Between *A.B.* .... Plaintiff,

and

C.D. and *E.F.*.... ... ... } Defendants.

To *A.B.*, the above-named Plaintiff.

[*or*

To *C.D.*, one of the above-named Defendants].

This cause will be set down for hearing on the day of , 18 , and will come on to be heard in its turn on that day, if the business of the Court permits.

(Seal.)

7.

Motion-paper.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Between *A.B.* ... ... Plaintiff,

and

C.D. ... ... Defendant.

The Plaintiff, [*or as the case may be*] moves that [*here state the terms of the motion*].

II.—Probate and Administration.

8.

Affidavit of attesting Witness in proof of the due Execution of a Will or Codicil dated after 31st December, 1837.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

I, *C.D.*, of , make oath and say that I am one of the subscribing witnesses to the last Will [*or* Codicil, *as the case may be*] of *A.B.*, late of , deceased, the said Will [*or* Codicil] being now hereto annexed, bearing date , and that the testator executed the said

Will [*or* Codicil] on the day of the date thereof by signing his name at the foot or end thereof [*or* in the testimonium clause thereof, *or* in the attestation clause thereto, *as the case may be*], as the same now appears thereon (*) in the presence of me and of , the other subscribed witness thereto, both of us being present at the same time, and we thereupon attested and subscribed the said Will [*or* Codicil] in the presence of the testator.

Sworn at , this day of 18 , before me, *X.Y.* } *C.D.*

9.

Oath for Executor.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.* deceased.

I, *C.D.*, of , make oath and say that I believe the paper writing [*or* the paper writings] hereto annexed and marked by me (†) to contain the true and original last Will [*or* last Will with Codicils] of *A.B.*; late of , deceased, and that I am the sole executor [*or* one of the executors] therein named [*or* executor according to the tenour thereof, executors during life, executrix during widowhood, *or as the case may be*], and that I will faithfully administer the personal property of the testator by paying his just debts and the legacies given by his Will [*or* Will and Codicils], so far as his personal property shall extend as the law bind me; that I will exhibit an inventory, and render an account of my executorship, whenever lawfully required; that the testator died at on the day of , 18 : that at the time of his death he had his fixed place of abode at within the jurisdiction of this Court; and that the whole of his personal property does not amount in value to the sum of pounds, to the best of my knowledge, information, and belief.

C.D.

Sworn at , this day of 18 , before me, *E.F.*

* If the signature is in the testimonium clause or attestation clause, insert "intending the same for his final signature to his will."

† Each testamentary paper is to be marked by the persons sworn and the person administering the oath.

Where more executors than one are appointed, and all are not sworn, a memorandum should be made in the margin of the oath that power is to be reserved to the other executors or executor or that they have or he has renounced.

10.

Oath for Administrator with Will annexed.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

I, *C.D.*, of , make oath and say that I believe the paper writing [*or* the paper writings] hereto annexed, and marked by me (*) to contain the true original last Will [*or* last Will with Codicils] of *A.B.*, late of , deceased; that the executor therein named is dead without having taken probate thereof [*or as the case may be*]; that I am the residuary legatee in trust named therein [*or as the fact may be*]; that I will faithfully administer the personal property of the testator, by paying his just debts and the legacies given by his Will [*or* Will and Codicils], so far as his personal property shall extend and the law bind me, and distributing the residue of his personal property according to law; that I will exhibit an inventory and render an account of my administration whenever lawfully required; that the testator died at on the 18 ; that at the time of his death he had his fixed place of abode at , within the jurisdiction of this Court, and that the whole of his personal property does not amount in value to the sum of pounds, to the best of my knowledge, information, and belief.

C.D.

Sworn at this
day of ,
18 , before me,
E.F.

11.

Oath for Administrator (not with Will annexed).

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the name of *A.B.*, deceased.

I, *C.D.*, of , make oath and say that *A.B.*, late of , deceased died intestate, a bachelor, without parent, brother, or sister, uncle or aunt, nephew or niece, and that I am his lawful cousin-german and one of his next of kin [*this must be altered in accordance with the circumstances of the case*]; that I will faithfully administer the personal property of the deceased, by paying his just debts and distributing the residue of his property according to law; that I will exhibit an inventory and render an account of my administration whenever lawfully required; that the deceased died at on the day of 18 ; that at the time of his death he had his fixed place of abode at

* Each testamentary paper is to be marked by the persons sworn and the person administering the oath.

within the jurisdiction of this Court; and that the whole of his personal property does not amount in value to the sum of pounds, to the best of my knowledge, information, and belief.

C.D.

Sworn at this day of 18 , before me,
E.F.

12.

Probate.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known, that on the day of 18 , the last Will [*or* the last Will with Codicils] (a copy whereof is hereto annexed) of *A.B.*, late of , deceased, who died on at , and who at the time of his death had his fixed place of abode at within the jurisdiction of this Court, was proved and registered in this Court; and that the administration of the personal property of the said deceased was granted by this Court to *C.D.*, the sole executor [*or as the case may be*] named in the said Will, he having been first duly sworn.

To be written in margin. } *Sworn under £ and that the Testator died on or about the day of , 18*

X.Y.,
H. B. M. Consul at [*Smyrna*].
(Seal.)

13.

Letters of Administration with Will annexed.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known, that *A.B.*, late of , deceased, who died on the day of , at , and who had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, made and duly executed his last Will [*or* his last Will with Codicils thereto], and did therein name [*according to the facts*].

And be it further known, that on the day of , 18 , Letters of Administration with the said Will [and Codicils] annexed of the personal property of the deceased were granted by this Court to *C.D.*, [*insert the character in which the grant is taken*], he having been first duly sworn.

Sworn under £ and that the Testator died on or about the day of 18

X.Y.,
H. B. M. Consul at [*Smyrna*].
(Seal.)

14.

Letter of Administration (not with Will annexed).

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known, that on the day of , 18 , Letters of Administration of the personal property of *A.B.*, late of , deceased, who died on 18 , at , intestate, and who had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, were granted by this Court to *C.D.*, of , the widow [*or as the case may be*] of the said intestate, she having been first duly sworn.

Sworn under £ and that the Intestate died on or about the day of 18 .

X.Y.,
H. B. M. Consul at [*Smyrna*].

(Seal.)

15.

Double Probate.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known, that on the day of , 18 , the last Will [with Codicils] of *A.B.*, late of , deceased, who died on , at , and who at the time of his death had his fixed place of abode at , within the jurisdiction of this Court, was proved and registered in this Court, and that administration of his personal property, and any way concerning his Will, was granted by this Court to *C.D.*, one of the executors named in the said Will [*or* Codicil], he having been first duly sworn, power being reserved of making the like grant to *E.F.*, the other executor named in the said Will. And be it further known, that on the day of , 18 , the said Will of the said deceased was also proved in this Court, and that the like administration was granted by this Court to the said *E.F.*, he having been first duly sworn.

Sworn under £ and that the Testator died on or about the day of 18 .

X.Y.,
H. B. M. Consul at [*Smyrna*].

(Seal.)

Former grant, January 18 , under the same sum.

16.

Letters of Administration de Bonis non.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known, that *A.B.*, late of , deceased, died on 18 , at , intestate, and had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, and that since his death, namely, on the day of 18 , Letters of Administration of his personal property were granted by this Court to *C.D.*, [*insert the relationship or character of Administrator*] (which Letters of Administration now remain on record in this Court) who after taking such Administration upon him partly administered the personal property of the deceased, and afterwards namely, on , died, leaving part thereof unadministered, and that on the day of , 18 , Letters of Administration of the personal property so left unadministered were granted by this Court to , he having been first duly sworn.

Sworn under £ and that the Intestate died on the day of

X.Y.,
H. B. M. Consul at [*Smyrna*].
(Seal).

17.

Administration Bond.

Know all men by these presents, that we, *A.B.*, of , *C.D.*, of , and *E.F.*, of , are jointly and severally bound unto *G.H.*, the Judge of Her Britannic Majesty's Supreme Consular Court, for the dominions of the Sublime Ottoman Porte, in the sum of pounds sterling, to be paid to the said *G.H.*, or the Judge of the said Court for the time being; for which payment we bind ourselves and each of us, for the whole, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the day of 18 .

A.B. (L.S.)
C.D. (L.S.)
E.F. (L.S.)

The condition of the above-written obligation is such, that if the above-named *A.B.*, the intended Administrator of the personal property of *I.J.*, late of , deceased, who died on the day of [left unadministered by] do make a true and perfect inventory of the personal property of the deceased [so left unad-

ministered], which has or shall come into [his] possession, or into the possession of any person for [him], and the same so made do exhibit into Her Britannic Majesty's Supreme Consular Court or Her Britannic Majesty's Consular Court at [*Smyrna*] whenever required by law so to do; and the same personal property and all other the personal property of the deceased, which shall at any time after the making an exhibition of such inventory, come into the possession of the said *A.B.*, or of any person for [him], do well and truly administer according to law; (that is to say) do pay the debts which the deceased owed at [his] death, and all the residue of the said personal property do deliver and pay to such person or persons as shall be entitled thereto under the Act of Parliament intituled *An Act for the better settling of Intestates' Estates*; and further, do make a true and just account of [his] administration whenever lawfully required; and in case it shall hereafter appear that any Will was made by the deceased, and the executor or executors therein named do exhibit the same for probate, then if the said *A.B.*, being thereunto required, do duly render and deliver up the Letters of Administration granted to him, then this obligation shall be void, and otherwise shall remain in full force.

Signed, sealed, and delivered before this Court.

(Seal.)

18.

Administration Bond for Administrator with Will annexed.

Know all men by these presents, that we, *A.B.*, of , *C.D.* of and *E.F.*, of , are jointly and severally bound unto *G.H.*, the Judge of Her Britannic Majesty's Supreme Consular Court for the dominions of the Sublime Ottoman Porte in the sum of pounds sterling, to be paid to the said *G.H.*, or the Judge of the said Court for the time being, for which payment we bind ourselves and each of us, for the whole, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the day of , 18

A.B. (L.S.)
C.D. (L.S.)
E.F. (L.S.)

The condition of the above-written obligation is such that if the above-named *A.B.*, the intended Administrator with Will annexed of the personal property of *I.J.*, late of , deceased, who died on the day of , do make a true and perfect inventory of the personal property of the deceased [left unadministered by], which has or shall come into [his] possession, or into the possession of any person for [him], and the same so made do exhibit into Her Britannic Majesty's Supreme Consular Court to Her Britannic Majesty's Consular Court at [*Smyrna*], whenever required by law so to do,

and the same personal property [so left unadministered] and all other the personal property of the deceased which shall at any time after the making and exhibition of such inventory come into the possession of the said *A.B.*, or of any person for [him,], do well and truly administer, (that is to say, do pay the debts which the deceased owed at [his] death, and then the legacies given by the said Will annexed to the said Letters of Administration, as far as such personal property will extend, and the law bind [him], and all the residue of the said personal property shall deliver and pay into such person or persons as shall be by law entitled thereto, and further do make a true and just account of [his] said Administration whenever lawfully required, then this obligation shall be void, and otherwise shall remain in full force.

Signed, sealed, and delivered before this Court.

(Seal.)

19.

Declaration of the personal Property of a Testator or an Intestate.

In Her Britannic Majesty's Consular Court at [*Smyrna.*]

A true declaration of all the personal property of *A.B.*, late , deceased, who died on the day of , at , and had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, which have at any time since his death come to the possession or knowledge of *C.D.*, the administrator with the Will annexed of the said *A.B.* [*or* administrator, *as the case may be*], made and exhibited upon and by virtue of the oath [*or* solemn affirmation] of the said *C.D.*, as follows:—

	£	s.	d.
First, I declare that the deceased was at the time of his death possessed of or entitled to			
[*The details of the deceased's property must be here inserted and the value inserted opposite to each particular.*]			

Lastly, I say that no personal property of the deceased has at any time since his death come to my possession or knowledge, save as is hereinbefore set forth.

C.D.

On the day of , 18 , the said *C.D.* was duly sworn to [*or* solemnly affirmed] the truth of the above-written inventory.

Before me.

[*person authorized to administer oaths.*]

20.

Justification of Sureties.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

We, *C.D.*, of , and *E.F.*, of , severally make oath and say, that we are the proposed sureties in the penal sum of pounds, on behalf of *G.H.*, the intended administrator of the personal property of *A.B.*, late of , deceased, for his faithful administration thereof: and I, the said *C.D.*, for myself, make oath and say, that I am, after payment of all my just debts, well and truly worth in money and effects the sum of ; and I the said *E.F.*, for myself, make oath and say, that I am, after payment of all my just debts, well and truly worth in money and effects the sum of pounds. Sworn by the deponents, *C.D.* and *E.F.*, at this day of 18.

C.D.

E.F.

Before me,

X.Y.

21.

Renunciation of Probate and Administration with Will annexed.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

Whereas *A.B.*, late of , deceased, died on the day of , at , having at the time of his death his fixed place of abode at , within the jurisdiction of this Court; and whereas he made and duly executed his last Will, dated the day of , 18 ,* and thereof appointed *C.D.* executor and residuary legatee in trust [*or as the case may be*]:

Now I, the said *C.D.*, do hereby declare, that I have not intermeddled in the personal property of the deceased, and will not hereafter intermeddle therein, with intent to defraud creditors, or any person interested in the administration or distribution of the property of the deceased, and further do hereby expressly renounce all right to probate of the said Will [and Codicils, *if any*], and to administration with the said Will [and Codicils, *if any*] annexed, of the personal property of the deceased.

In witness whereof I have hereto set my hand and seal, this day of , 18 .

C.D. (L.S.)

Signed, sealed, and delivered by the above-named *C.D.* in the presence of *G.H.*

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* If there are codicils, their dates should be also inserted.

22.

Renunciation of Administration.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Whereas *A.B.*, late of , deceased, died on the day of , 18 , at , intestate, a widower, having had at the time of his death his fixed place of abode at within the jurisdiction of this Court; and whereas I, *C.D.*, of , am his lawful child, and his only next of kin [*or as the case may be*]:

Now I, the said *C.D.*, do hereby declare that I have not intermeddled in the personal property of the deceased, and further do hereby expressly renounce all right to administration thereof.

In witness whereof I have hereto set my hand and seal, this day of 18 .

C.D. (L S.)

Signed, sealed, and delivered by the said *C.D.*, in the presence of

G.H.

23.

Order to a Person to bring in a Paper purporting to be testamentary

In Her Britannic Majesty's Consular Court at [*Smyrna*].

The day of , 18

To *C.D.*, of

Whereas it appears by a certain affidavit filed in this Court on the day of , 18 , and made by , of that a certain original paper, being, or purporting to be testamentary, namely [*here describe the paper*] bearing date the day of 18 , is now in your possession or under your control:

Now this is to command you, in Her Majesty's name that within eight days after service hereof on you, inclusive of the day of such service, you do bring into and leave in this Court the said original paper, or in case the said original paper be not in your possession or under your control, that you, within eight days after the service hereof on you, inclusive of the day of such service, do file in this Court an affidavit to that effect, and therein set forth what knowledge you have of and respecting the said paper.

(Seal.)

24.

Affidavit of Handwriting.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *C.D.*, deceased.

I, *A.B.*, of , make oath and say, I knew and was well acquainted with *C.D.*, late of , deceased,

who died on the day of , at for many years before and down to his death, and that during that time I have frequently seen him write and sign his name, whereby I have become well acquainted with his handwriting and signature, and having now with care and attention inspected the paper writing hereto annexed, purporting to be the last Will of the said *C.D.*, beginning thus , ending thus . dated the day of , and signed thus, *C.D.*, I say that I believe [the whole body and contents of the said Will, together with] the signature *C.D.*, thereto to be of the handwriting of the said *C.D.*, deceased.

Sworn at
this day of ,
18 , before me,
E.F.

A.B.

25.

Affidavit of Finding and Condition of Will.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *E.F.* deceased.

I, *A.B.*, of , make oath and say that I am the sole executor named in the paper writing hereto annexed, purporting to be the last Will of *E.F.*, late of , deceased (who died on the day of , and had at his death his fixed place of abode at , within the jurisdiction of this Court), the said Will bearing date the day of , beginning thus , ending thus , and being signed thus, *E.F.*, and that [*here describe the finding of the Will, and the various obliterations, interlineations, erasures, and alterations (if any), and the general condition of the Will, and state any other matters requiring to be accounted for, and clearly trace the Will from the possession of the deceased in his lifetime up to the time of the making of his Affidavit*]; and I lastly say that the same paper writing is now in all respects in the same condition as when found [*or as the case may be.*]

Sworn at
day of ,
18 , before me, ,
I.J.

A.B.,

26.

Affidavit of Search.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *C.D.*, deceased.

I, *A.B.*, of , make oath and say that I am the sole executor named in the paper writing hereto annexed, purporting to be the last Will of *C.D.*, late of , deceased (who died on the day of , 18 , at and had at the time of his death his fixed place of abode at within the jurisdiction of this Court), the said Will beginning thus, , ending thus, , and being signed thus, *C.D.* And referring particularly to the fact that the blank spaces originally left in the said Will for the insertion of the day and the month of the date thereof have never been supplied [*or* that the said Will is without date, *or as the case may be*], I further say that I have made inquiry of [*E.F.*, the Solicitor of the said deceased], and that I have also made diligent and careful search in all places where the said deceased usually kept his papers of moment, in order to ascertain whether he had or had not left any other Will, but that I have been unable to discover any other Will. And I lastly say that I believe the deceased died without having left any Will, Codicil, or Testamentary Paper whatever other than the said Will by me hereinbefore deposed to.

Sworn at , this day of 18 . before me, , *G.H.* } *A.B.*

This form of affidavit is to be used when it is shown by affidavit that neither the subscribing witnesses nor any other person can dispose to the precise time of the execution of the will.

27.

Notice to Prohibit Grant of Probate or Administration.

In Her Britannic Majesty's Consular Court at [*Symrna*].

In the matter of *A.B.*, deceased.

Let nothing be done in the matter of *A.B.*, late of , deceased, who died on the day of , at , and had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, without warning being given to *C.D.*, of , [*or* to *E.F.* of the Attorney of *G.H.*, of

Dated this day of , 18 .

(Signed) *C.D.*, of , [*or E.F.*, of , the Attorney of *G.H.* of].

23.

Warning to Person filing Notice to Prohibit Grant.

In Her Britannic Majesty's Consular Court at [*Symrna*].

In the matter of *A.B.*, late of , deceased.

To *C.D.*, of [*or* to *E.F.*, of
Attorney of *G.H.*, of].

You are hereby warned, within six days after the service of this warning upon you, inclusive of the day of such service, to come to this Court, and to file therein an affidavit setting forth your [*or* your client's] interest in this matter; and in default of your so doing this Court will proceed to all such acts and things as shall be needful to be done in this matter.

NOTE.—This warning is issued at the instance of *R.S.*, *of* [*here state what interest R.S. has, and if under a Will or Codicil, state its date.*]

(Seal.)

29.

List of Probates and Administrations.

Her Britannic Majesty's Consular Court at [*Symrna*].

The [1st] day of [August], 18[63].

List of Probates and Administrations granted by this Court up to the 1st day of July 1863, and not included in any previous List.

Date of grant.	Name in full of Deceased.	His or her Business, Profession, or other Description.	Place of his or her Death.	Time of his or her Death.	Name and Description of each Executor or Administrator taking Probate or Administration.	Value of the Personal Property.

(Sd.) *X.Y.*,
H.B.M. Consu at [*Symrna*].

(Seal.)

30.

Summons to Administrator or Executor for Summary Administration.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Saturday*] the [ ] day [ ] 18 .

In the matter of the property of *A.B.*, late of , deceased.

Between *C.D.* ... ... Plaintiff.

and

E.F. ... ... Defendant.

To *E.F.*, of , the above-named Defendant, Executor of the above-named *A.B.*

On the application of *C.D.*, of , Esq., the above-named Plaintiff, who claims to be a creditor of the said *A.B.*

You are hereby commanded in Her Majesty's name, to attend this Court at , on [ ] the [ ] day of [ ] at [ ] o'clock in the [ ] noon, and show cause, if you can why an order for the administration of the property of the said *A.B.*, under the direction of this Court, should not be granted.

(Seal.)

The following note is to be added to the original Summons, and when the time is altered by indorsement, the indorsement is to be referred to as below:—

NOTE.—If you do not attend either in person or by counsel or attorney at the time and place abovementioned [or at the place above-mentioned at the time mentioned in the indorsement hereon], such order will be made and such proceedings taken as the Court may think just and expedient.

III.—CRIMINAL.

31.

Information to ground Search Warrant.

In Her Britannic Majesty's Consular Court at [*Smyrna.*]

[*Thursday*] the day of 18 . , C.D. of labourer, being first duly sworn, complains that on the day of , the following goods and chattels of the value of namely:

[*Here describe the goods and chattels.*]

were stolen and unlawfully carried away from and out of at , by some person or persons unknown, and that he has reasonable cause to suspect, and does suspect, that those goods and chattels or some of them are concealed in ; for he, the said *C.D.*, on his oath, deposes and says that

Taken and sworn before me this day of 18 , at .

32.

Search Warrant for Stolen Goods.

In Her Britannic Majesty's Court at [*Smyrna*]

[*Thursday*] the day of 18

To *X.Y.*, Police Officer and other Officers of this Court.

C.D., of , has this day made information on oath before this Court that [*copy from information down to "for he"*].

You are, therefore, hereby authorized and commanded, in Her Majesty's name, with proper assistance to enter the of the said *A.B*, and there diligently search for the said goods and chattels, and if the same, or any thereof, are found on search, to bring the goods and chattels so found, and also the said *A.B.*, before this Court, to be dealt with according to law.

(Seal.)

33.

Charge.

In Her Britannic Majesty's Consular Court at [*Smyrna.*]

[*Thursday*], the day of 18 .

C.D., of [labourer], [being first duly sworn] charges [*&c., state the offence*].

(Seal.)

34.

Summons to Accused.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18

To *A.B.*, of , [labourer].

You have this day been charged [on oath] before this Court for that you [*&c. stating shortly the offence charged*].

Therefore you are hereby commanded in Her Majesty's name to appear before this Court on [*Saturday next*] the day of , at 10 o'clock in the forenoon] at [ ], to answer to the said charge, and to be further dealt with according to law.

(Seal.)

35.

Warrant in first instance for apprehension of Accused.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the , day of , 18 .

To *X. Y.*, Police Officer, and other officers of this Court.

A. B., of , [labourer], has this day been charged [on oath] before this Court for that he [*&c., stating shortly the offence charged*].

Therefore you are hereby commanded in Her Majesty's name, forthwith to apprehend the said *A.B.*, and to bring him before this Court to answer to the said charge, and to be further dealt with according to law.

(Seal.)

36.

Warrant for Apprehension of Accused where Summons is disobeyed.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , , 18

To *X. Y.*, Police Officer, and other officers of this Court.

A. B., of , [labourer], was on the day of 18 , charged [on oath] before this Court for that [*&c., as in Summons*].

And the said *A.B.* was, by summons of this Court, commanded to appear before this Court on [ ] at [ ] at [ ], to answer to the said charge, and to be further dealt with according to law.

And (as it has now been proved to this Court) he was duly served with the said summons. But he has not appeared according to the said Summons.

Therefore you are hereby commanded, in Her Majesty's name, forthwith to apprehend the said *A. B.*, and to bring him before this Court to answer to the said charge, and to be further dealt with according to law.

(Seal.)

37.

Summons of a Witness.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Thursday, the day of , 18

To *E. F.*, of , [labourer].

A. B., of [labourer], has been charged before this Court for that [*&c., as in the Summons or Warrant against the accused.*]

And it appears to this Court that you are likely to give material evidence concerning the said charge.

Therefore you are hereby commanded, in Her Majesty's name, to appear before this Court on [Saturday next] the [ ] day of [ ] 18 [ ], at [10 o'clock in the forenoon], at [ ], to testify what you shall know concerning the said charge.

(Seal.)

38.

Warrant where witness has not obeyed Summons.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18

To *X.Y.*, Police Officer, and other Officers of this Court.

A. B., of , [labourer], has been charged before this Court for that [*&c., as in summons.*]

And it appearing to the said Court that E. F., of [labourer], is likely to give material evidence concerning the said charge, the said *E.F.* was, by Summons of this Court, commanded to appear before this Court on [ ] at [ ] at [ ], to testify what he should know concerning the said charge.

And (as it has now been proved to this Court) he was duly served with the said Summons.

But he has not appeared according to the said Summons, and has not excused his failure to do so to the satisfaction of this Court.

Therefore you are hereby commanded, in Her Majesty's name, to bring and have the said *E. F.* before this Court on [ ], at 10 o'clock in the forenoon] at [ ], to testify what he shall know concerning the said charge.

(Seal.)

39.

Warrant for Witness in first instance.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X. Y.*, Police Officer, and other Officers of this Court.

A.B., of , [labourer], has been charged before this Court for that *&c., as in Summons*].

And it appears to this Court that *E.F.*, of [labourer], is likely to give material evidence concerning the said charge, and that it is probable he will not attend to give evidence unless compelled to do so.

Therefore you are hereby commanded, in Her Majesty's name, to bring and have the said *E.F.* before this Court on [Saturday next] the day of , 18 [ ] [10 o'clock in the forenoon] at [ ] to testify what he shall know concerning the said charge.

(Seal.)

40.

Warrant for commitment of Witness for refusing to be sworn or to give Evidence.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 . To *X. Y.*, Police Officer of this Court, and to the Keeper of [Her Britannic Majesty's Consular] Prison at [ ].

A.B., of [labourer], has been charged before this Court for that [*&c., as in Summons*].

And *E.F.*, of [labourer], now being before this Court to testify what he knows concerning the said charge in pursuance of a Summons [*or* Warrant] issued by this Court, and being required refuses to take an oath [*or* having taken an oath, refuses to answer a certain question now put to him concerning the said charge], and does not excuse his refusal to the satisfaction of this Court.

Therefore you are hereby commanded, in Her Majesty's name, you, the above-named *X.Y.*, to take the said *E.F.*, and convey him safely to the above-named prison, and there deliver him to the keeper thereof, together with this warrant.

And you, the keeper of the said prison, to receive the said *E.F.* into your custody in the said prison, and to keep him there safely for [seven] days, unless he in the meantime consents to answer duly on oath.

(Seal.)

41.

Warrant committing the Accused for safe custody during an adjournment of the hearing, or where the hearing is not at once proceeded with, or remanding him.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18 .

To *X.Y.*, Police Officer of this Court, and to the keeper of [Her Britannic Majesty's Consular] prison at [ ].

A.B., of ; [labourer], has been charged before this Court for that [*&c., as in summons*].

* And the hearing of the said charge is adjourned [*or* cannot be at once proceeded with], and it is necessary that the said *A.B.* should in the meantime be kept in safe custody.*

Therefore you are hereby commanded, in Her Majesty's name, you, the above-named *X.Y.*, forthwith to convey the said *A.B.* to the above-mentioned prison, and there deliver him to the keeper thereof, together with this warrant. And you, the keeper of the said prison, to receive the said *A.B.* into your custody in the said prison, and there safely keep him until the day of instant, and then to have him before this Court at [10 o'clock in the forenoon] of the same day at ( ) to answer further to the said charge, and to be further dealt with according to law.

(Seal.)

(In cases for indictment substitute for the words between asterisks * * the following:—And it appears to this Court necessary to remand the said *A.B.*)

42.

Recognisance of Bail on adjournment of hearing, or where hearing is not at once proceeded with, or instead of remand on an adjournment of preliminary examination, or for surrender for trial.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

We, *A.B.*, of [labourer], *L.M.*, of , [grocer], and *N.O.*, of , [butcher], come personally before this Court, and severally acknowledge ourselves to owe to our Sovereign Lady the Queen the several sums following, namely, the said *A.B.*, the sum of £ sterling, and the said *L.M.* and *N.O.* the sum of £ sterling each, to be levied on our several goods, if the said *A.B.* fails in the condition hereon indorsed.

A.B.
L.M.
N.O.

(Seal.)

Condition indorsed.

The condition of the within-written recognisance is as follows:—

The within-bounden *A.B.* has been charged before this Court for that [&c., *as in summons*].

If, therefore, the said *A.B.*, appears* before this Court on [ ], at [o'clock], at [ ], to answer [further] to the said charge, and to be [further] dealt with according to law,* then the said recognisance shall be void, and otherwise shall remain in full force.

[Where the recognisance is for surrender for trial, substitute for the words between asterisks,* * the following:—] before [ ], on [ ], at [o'clock], at [ ], and then and there surrender himself into the custody of the keeper of the [ ] prison there, and plead to such indictment as may be preferred against him for the offence aforesaid, and take his trial thereon, and not depart from the Court without leave.

43.

Notice of Recognisances to be given to Accused and each of his Sureties.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *A.B.*, of , [labourer], *L.M.*, of [grocer], and *N.O.*, of , [butcher].

You, *A.B.*, are bound in the sum of £ sterling, and your sureties, *L.M.*, and *N.O.*, in the sum of £ sterling each, that you, *A.B.*, appear before* this Court on the day of , at [o'clock], at [ ], to answer [further] to the charge made against you by *C.D.*, and to be further dealt with according to law;* and unless you, *A.B.*, do so, the recognisance entered into by you, *A.B.*, *L.M.*, and *N.O.*, will be forthwith levied on your respective goods.

(Seal.)

[Where the recognisance is for surrender for trial, substitute for the words between asterisks,* * words corresponding to the terms of the condition.]

44.

Summary Conviction for a penalty to be levied by Distress, and in default of a sufficient Distress, Imprisonment; or for a Penalty, and in default of Payment, Imprisonment.

In Her Britannic Majesty's Consular Court at [*Smyrna.*]

[*Thursday*], the day of , 18 .

A.B., of [labourer], is this day convicted before this Court for that [&c., *state the offence and time and place when and where committed.*]

And this Court adjudges the said *A.B.* for his said offence to forfeit and pay the sum of £ sterling [state the penalty and also the compensation, if any,] to be paid and applied according to , and also to pay to the said *C.D.* the sum of £ sterling for his costs in this behalf.

And if the said sums be not paid forthwith [*or* on or before next], then* this Court orders that the same be levied by distress and sale of the goods of the said *A.B.*

And in default of sufficient distress,* this Court adjudges the said *A.B.* to be imprisoned in [Her Britannic Majesty's Consular] Prison at [ ], [there to be kept to hard labour] for the space of [ ], unless the said sums and all costs and charges† of the said distress [and† of the commitment and conveyance of the said *A.B.* to the said prison] be sooner paid.

(Seal.)

[Where the issuing of a distress-warrant would be ruinous to the person convicted and his family, or it appears that he has no goods whereon a distress could be levied, then substitute for the words between the asterisks** the following:—] inasmuch as it has now been made to appear to this Court that the issuing of a warrant of distress would be ruinous to the said *A.B.* and his family [*or* that the said *A.B.* has no goods whereon the said sums can be levied by distress].

[Where the conviction is for a penalty, and in default of payment, imprisonment, omit the words between the asterisks,** and also the words between the marks††].

45.

Warrant of Distress upon Conviction, as that last-mentioned, or where the Person convicted is to pay Costs but no Penalty.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18

To *X.Y.*, Police Officer of this Court.

A.B., of , [labourer], stands convicted before this Court by a conviction dated the day of , for that [*&c., as in a conviction*].

And it is in and by the said conviction adjudged that the said *A.B.* should,* for his said offence, forfeit and pay [*&c., as in conviction*], and should also* pay to the said *C.D.* the sum of £ sterling for his costs in that behalf.

And that if the same should not be paid forthwith [*or* on or before the day of], the same should be levied by distress and sale of the goods of the said *A.B.*

And the said *A.B.*, although required to pay the same according to the said conviction, has not paid the same.

Therefore you are hereby commanded, in Her Majesty's name, that you forthwith make distress of the goods of the said *A.B.*, and if within the space of days next after the making of such distress, the said sums,† together with the reasonable charges of the making and keeping of the said distress be not paid, then that you sell the said goods by you distrained, and pay the money arising thereby into this Court, in order that it may be

applied according to law, and that the overplus, if any, may be rendered on demand to the said *A.B.*, and that if no such distress can be found, then you certify the same to this Court in order that further proceedings may be had according to law.

(Seal.)

[Where the person convicted is to pay costs, but no penalty, omit the words between asterisks**, and for the word "sums" marked †, read "sum."]

46.

Warrant (on a Conviction for a Penalty) for Commitment of the Person convicted in the first instance without previous Warrant of Distress.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court, and to the keeper of [ ] prison at [ ].

A.B., of , [labourer], stands convicted before this Court by a conviction dated the day of , for that [*&c., as in conviction*].

And it is in and by the said conviction adjudged that the said *A.B.* should, for his said offence, forfeit and pay [*&c., as in conviction*], and should also pay to the said *C.D.* the sum of £ sterling for his costs in that behalf.

And that if the said sums should not be paid forthwith [*or* on or before the day of], the said *A.B.* should be imprisoned in the above-mentioned prison [and be there kept to hard labour], unless the same [and the costs and charges of the conveying of the said *A.B.* to the said prison] should be sooner paid.

And the said *A.B.*, being required to pay the said sums according to the said conviction has not done so.

Therefore you are hereby commanded, in Her Majesty's name, you, the above-named *X.Y.*, to take the said *A.B.* and convey him to the said prison and there deliver him to the keeper thereof, together with this warrant; and you, the said keeper of the said prison, to receive the said *A.B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour] for the space of [ ], unless the said several sums [and the costs and charges of the conveying of him to the said prison, amounting to the further sum of £] be sooner paid.

(Seal.)

47.

Officer's Return, if no sufficient Distress, to be indorsed on the Warrant.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18 .

I, *X.Y.*, of , Police Officer of this Court, do hereby certify to this Court that, by virtue of the within-written warrant, I have made diligent search for the goods of the within-named *A.B.*, and that I can find no sufficient goods of the said *A.B.*, whereon the sums within-mentioned can be levied.

X.Y.

48.

Warrant of Commitment for Want of Distress.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court, and to the keeper of [ ] prison at [ ].

[Proceed as in warrant of distress (Form 52) down to the commencement of the commanding part, and then thus:—]

And on the day of , 18 , this Court issued a warrant to you, the above-named *X.Y.*, commanding you to levy the said sum of £ , and £ , [*or* the said sum of £ for costs] by distress and sale of the goods of the said *A.B.*

And it now appears to this Court, as well by the return of you, the said *X.Y.*, to the said warrant as otherwise, that you have made diligent search for the goods of the said *A.B.*, but that no sufficient distress whereon the said sum could be levied could be found.

Therefore you are hereby commanded in Her Majesty's name, you the said *X.Y.*, to take the said *A.B.*, and convey him safely to the above-mentioned prison, and there deliver him to the keeper thereof, together with this warrant, and you the said keeper of the said prison, to receive the said *A.B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour for the space of [ ] unless the said sums [*or* sum] and all the costs and charges of the said distress [and of the commitment and conveying to the said prison of the said *A.B.*] amounting to the further sum of £ be sooner paid.

(Seal.)

49.

Summary Conviction where the Punishment is Imprisonment and no Penalty.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18

A.B., of [labourer], is this day convicted before this Court for that [*&c., state the offence and the time and place when and where committed*].

And this Court adjudges the said *A.B.*, for his said offence to be imprisoned in [Her Majesty's Consular] prison at [ ] there to be kept to hard labour for the space of [ ].

And this Court also adjudges the said *A.B.* to pay to the said *C.D.* the sum of £ sterling for his costs in this behalf.

And if the same be not paid forthwith [*or* on or before next] then * this Court orders that the same be levied by distress and sale of the goods of the said *A.B.*

And in default of sufficient distress* the Court adjudges the said *A.B.* to be imprisoned in the said prison [to be there kept to hard labour] for the space of [ ] to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs be sooner paid.

(Seal.)

[Where the issuing of a distress warrant would be ruinous to the person convicted and his family, or it appears that he has no goods whereon a distress could be levied, then substitute for the words between the asterisks* * the following:—]

Inasmuch as it has now been made to appear to this Court that the issuing of a warrant of distress in this behalf would be ruinous to the said *A.B.* and his family [*or* that the said *A.B.* has no goods whereon the said sum could be levied by distress.]

50.

Warrant of Commitment on a Conviction as that last mentioned.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18 .

To *X.Y.*, Police Officer of this Court, and to the keeper of [ ] prison at [ ].

A.B., of [labourer], stands convicted before this Court by a conviction dated the day of , for that [*&c., as in conviction.*]

And it is in and by the said conviction adjudged that the said *A.B.*, for his said offence, should be imprisoned in the [ ] prison at [ ], and there be kept to hard labour for the space of

Therefore you are hereby commanded, in Her Majesty's name, you, the above-named *X.Y.*, to take the said *A.B.*, and convey him to the said prison, and there deliver him to the keeper thereof, together with this warrant; and you, the said keeper of the said prison, to receive the said *A.B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour] for the space of [ ].

(Seal.)

51.

Order of dismissal of Charge.

In Her Britannic Majesty's Consular Court of [*Smyrna*].

[*Thursday*], the day of 18

A.B. of , [labourer] was on day of , charged before this Court for that [*&c., as in summons or warrant*].

And now both the said parties appear before this Court in order that it may hear and determine the said charge [*or* the said *A.B.* appears before this Court, but the said *C.D.*, although duly called, does not appear].

Whereupon, the matter of the said charge being by this Court duly considered,* it manifestly appears to this Court that the said charge is not proved, and* this Court dismisses the same.

And adjudges that the said *C.D.* do pay to the said *A.B.* the sum of £ sterling for his costs in this behalf, and if the same be not paid forthwith [*or* on or before] this Court orders that the same be levied by distress and sale of the goods of the said *C.D.*, and in default of sufficient distress, this Court adjudges the said *C.D.* to be imprisoned in [ ] prison at [ ], [and there be kept to hard labour], unless the same sum and all costs and charges of the said distress [and of the commitment and conveying to the said prison of the said *C.D.*] be sooner paid.

(Seal.)

[Where the person making the charge does not appear at the hearing the words between asterisks** may be omitted.]

52.

Certificate of Dismissal of Charge to be given to Accused.

In Her Britannic Majesty's Consular Court at [*Smyrna.*]

[*Thursday*], the day of , 18

This is to certify that a charge made on the [ ] day of [ ], by *C.D.*, of , [labourer], against *A.B.*, of , [labourer], for that [*&c., as in summons or warrant*] is now considered by this Court, and is by this Court dismissed [with costs.]

(Seal.)

53.

Warrant of Distress for Costs to be paid by the Person making the Charge, on an Order for Dismissal of the Charge.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18 .

To *X.Y.*, Police Officer of this Court.

A.B., of , [labourer], was on the day of 18 charged before this Court for that [*&c., as in summons or warrant*].

And afterwards, namely, on the day of 18 , both parties appeared before this Court in order that it should hear and determine the said charge [*or* the said *A.B.* appeared before this Court, but the said *C.D.*, although duly called, did not appear], and thereupon the matter of the said charge being duly considered by this Court,* and it manifestly appearing to this Court that the said charge was not proved,* this Court did dismiss the same, and adjudged that the said *C.D.* should pay to the said *A.B.* the sum of £ sterling, for his costs in that behalf, and that if the said sum should not be paid forthwith [*or* on or before], then the same should be levied by distress and sale of the goods of the said *C.D.*

And the said *C.D.*, although required to pay the same according to the said order, has not paid the same.

Therefore you are hereby commanded—

[Proceed as in the commanding part of the Form of warrant of distress upon conviction where the person convicted is to pay costs, but not penalty, only substituting the name of *C.D.*, the prosecutor, for the name of *A.B.*, the accused, and for the word "sums" at the mark† read "sum."]

(Seal.)

54.

Warrant of Commitment for Want of Distress in the last Case.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18 .

To *X.Y.*, Police Officer of this Court, and to the Keeper of [ ] prison at [ ].

[Proceed as in last Form down to the commencement of the commanding part, and then thus:—]

And on the day of 18 , this Court issued a warrant to you, the above-named *X.Y.* [proceed as in Form 54, only substituting the name of *C.D.*, the prosecutor, for the name of *A.B.* the accused].

(Seal.)

55.

Depositions of Witnesses or Preliminary Examination before Indictment.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18

A.B., of [labourer], stands charged before this Court for that he [*&c., as in summons*].

And in the presence and hearing of the said *A.B.*, *C.D.*, of [labourer] and *E.F.*, of [labourer] depose on oath as follows.

First, the said *C.D.*, says as follows:—[state the deposition of the witness as nearly as possible in the very words he uses. When his deposition is complete let him sign it.]

Secondly, the said *E.F.* says as follows:—[state his deposition in same manner].

(Seal.)

56.

Statement of the Accused on Preliminary Examination.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18 .

A.B., of , [labourer] stands charged before this Court for that [*&c., as in summons*].

And the said charge having been read to the said *A.B.* and *C.D.* and *E.F.*, witnesses for the prosecution, having been severally examined in his presence and hearing, and their respective depositions having been read over to the said *A.B.*, these words are now said to the said *A.B.* by this Court, namely—

Having heard the evidence, do you wish to say anything in answer to the charge? You need not say anything unless you wish. You have nothing to hope from any promise of favour, and nothing to fear from any threat held out to you to induce you to make any admission or confession. Whatever you say will be written down, and may be given in evidence against you.

Whereupon the said *A.B.* says as follows:—

[state whatever the accused says, and as nearly as possible in the very words he uses. Get him to sign the statement if he will.]

A.B.

(Seal.)

57.

Recognisance to prosecute or give evidence.

In Her Britannic Majesty's Consular Court at [*Smyrna*]

[*Thursday*], the day of 18

C.D., of , [labourer] comes personally before this Court, and acknowledges himself to owe to Our Sovereign Lady the Queen the sum of £ sterling to be levied on his goods if he fails in the condition herein indorsed.

(Sd.) *C.D.*

(Seal.)

Condition indorsed.

The condition of the within-written recognisance is as follows :—

A.B., of , [labourer], has been charged before this Court for that [*&c., as in summons.*]

If, therefore, the within-named *C.D.* appears before this Court on [ ] at [ ],* and then and there prefers an indictment against the said *A.B.* for the said offence, and duly prosecutes the same [and give evidence thereon],* then the said recognisance shall be void, and otherwise shall remain in full force.

[Where the recognisance is only to give evidence, substitute for the words between the asterisks * * the following :] and then and there give evidence on an indictment, to be then and there preferred against the said *A.B.* for the said offence.

58.

Notice of Recognisance to be given to Prosecutor and each of his Witnesses.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18

To *C.D.*, of , [labourer].

You are bound in the sum of £ sterling to appear before this Court on [ ] at [ ], and then and there to prosecute and give evidence against [*or* to prosecute *or* to give evidence against] *A.B.*, of , [labourer], and unless you do so, the recognisance entered into by you will be forthwith levied on your goods.

(Seal.)

59.

Commitment of witness for refusing to enter into Recognisance.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court, and to the keeper of [Her Britannic Majesty's Consular] prison at [ ].

A.B., of , [labourer], has been charged before this Court for that [*&c., as in summons.*]

And *E.F.*, of , [labourer], having been now examined before this Court concerning the said charge, and being required, refuses to enter into a recognisance to give evidence against the said *A.B.*

Therefore you are hereby commanded, in Her Majesty's name, you, the above-named *X.Y.*, to take the said *E.F.*, and convey him safely to the above-named prison, and there deliver him to the keeper thereof, together with this warrant.

And you, the keeper of the said prison, to receive the said *E.F.* into your custody in the said prison, and to keep him there safely until after the trial of the said *A.B.* for the said offence, unless the said *E.F.* in the meantime consents to enter into such recognisance as aforesaid.

(Seal.)

60.

Warrant of Commitment of Accused for Trial.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

X.Y., Police Officer of this Court, and to the keeper of [Her Britannic Majesty's Consular] prison at [ ].

A.B. stands charged before this Court on the oath of *C.D.*, of [labourer], and others for that [*&c., as in summons.*]

Therefore you are hereby commanded in Her Majesty's name, you, the above-mentioned *X.Y.*, to convey the said *A.B.* to the above-mentioned prison and there to deliver him to the keeper thereof, together with this warrant, and you the said keeper of the said prison to receive the said *A.B.* into your custody in the said prison, and there safely keep him till he shall be thence delivered by due course of law.

(Seal.)

*THE THIRD SCHEDULE.

FEES.

Service.

	£.	s.	d.
For service of summons, petition, answer, motion-paper, notice, warrant, decree, order, or other document on a party, witness, juror, assessor, or other person under any branch whatever of the civil jurisdiction—			
Within one mile (English) of Court	0	2	6
Beyond, for every further complete mile...	0	1	0

Decision of Questions without formal Suit.

On summons for issue or special case	1	0	0
On issue or special case	0	10	0
On hearing	1	0	0

Summary Procedure for Administration of Property of Deceased Persons.

On summons	1	0	0
On order	1	0	0

Summary Orders before Suit.

On application for order	0	10	0
On recognisance	0	10	0
On order	0	5	0

Bankruptcy and Liquidation by Arrangement or Composition.

On declaration by a debtor of inability to pay his debts	0	5	0
On debtor's summons	0	5	0
On bankruptcy petition	5	0	0
On petition for arrangement or composition	1	0	0
On order for adjudication	1	0	0
On meeting or adjournment of meeting	1	0	0
On special resolution presented to the Registrar for registration	¼ per cent. on the gross amount of the assets not exceeding a total fee of 200*l.*		
On extraordinary resolution presented to the Registrar for registration	¼ per cent. on the gross amount of composition, not exceeding a total fee of 200*l.*		
On order of discharge	2	0	0
On notice to creditors, each	0	0	3
On preparing advertisement	0	5	0
On execution of warrant	1	0	0
On keeping possession, per diem	0	10	0
On inventory, per diem	1	0	0

* By an Order in Council, dated 26th October 1875, this Schedule was substituted for that published in the original Order. It came into force from 31st December 1875.

Maritime Cases and Vice-Admiralty Causes.	£	s.	d.
On application for commission of survey	1	0	0
On appointment of commission	1	0	0
To each surveyor—			
(a.) At Constantinople—			
For a vessel in the port, extending from the second bridge (immediately below the arsenal) to Tophané on the one side, and Seraglio Point on the other	1	1	0
For a vessel in the upper harbour, extending from the second bridge upwards towards Haskiöi; or between Tophané and Bujukdere on the one side, and Kadakioi and Beicos on the other	2	2	0
For a vessel between Bujukdere on the one side, and Beicos on the other, and the Black Sea entrance of the Bosphorus; or between the Seven Towers and St. Stefano (inclusive), or Kadakioi and Prince's Island (inclusive)	3	3	0
For a vessel beyond these limits, when the time occupied exceeds one day	Such sum Court directs.		
(b.) At a Provincial Consulate—			
For a vessel within two miles (English) of the Court ...	1	1	0
For a vessel beyond that distance	Such sum as the Court, with the approval of the Supreme Consular Court, directs.		
For extension of report of survey and copies	1	10	0
On petition for appointment of adjusters	1	0	0
To each adjuster	Such sum as the Court directs, not less than 1*l.*, and not more than 20*l.*		
On extending average bond	The like.		
To agent of owner of cargo	1 per cent. on value of cargo.		
On every notice, motion, application, or demand	0	10	0
On a reference to the Registrar	5	5	0
If the attendance of one or two merchants is required, to each merchant, per diem	7	7	0
In cases of great intricacy and large amount—			
To the Registrar and to each merchant, per diem	10	10	0
On drawing the Report and Schedule	1	0	0
If at the hearing the attendance of one or two naval assessors is required, to each assessor, per diem, such sum as the Court directs, not exceeding	5	5	0

Probate and Administration.			
On application for probate or administration	1	0	0
On oath of every executor and administrator, and surety	0	10	0
On every security	1	0	0

Probate and Administration.—Continued.

On probate or letters of administration with will annexed ...	The like sum as is for the time being payable in England for stamp duty in like cases, not exceeding a total fee of 100*l.*
On letters of administration without will annexed ...	The like sum as is for the time being payable in England for stamp duty in like cases, not exceeding a total fee of 150*l.*
Where the Court appoints as administrator an officer of the Court	In addition to the foregoing, one per cent. on the value of the estate and effects not exceeding (with the foregoing) a total fee of 200*l.*

	£	*s.*	*d.*
On filing account	0	10	0
On passing account	1	0	0

Ordinary Suits.

In every suit of any kind whatever, other than such as are before specified—

	On Summons or Petition.			On Hearing.		
Where amount involved is—	£	*s.*	*d.*	£	*s.*	*d.*
Under 10*l.*	0	2	6	0	2	6
10*l.* and under 20*l.*	0	2	6	0	5	0
20*l.* and under 50*l.*	0	7	6	0	10	0
50*l.* or upwards	½ per cent. on amount involved, not exceeding a total fee of 25*l.*			½ per cent. on amount involved, not exceeding a total fee of 25*l.*		
Where judicial relief or assistance is sought, but not the recovery of money	1	0	0	1	0	0
On every summons, motion, application, or demand taken out, made, or filed (not particularly charged)				0	5	0
On every rule				0	10	0
On every decree or order (not particularly charged)				0	2	6
On motion for new trial after trial with a jury				1	0	0
On order for adjournment of hearing rendered necessary by default of either party (to be paid by that party)				0	7	6
On every warrant of execution against goods (Rule 120)—						
For less than 50*l.*				0	5	0
For 50*l.* or upwards				1	0	0
For keeping possession, per diem				0	10	0

Appeal to Supreme Consular Court.

	£ s. d.
On motion for leave to appeal	0 10 0
On every security	0 10 0
On order for leave to appeal	1 0 0

	On Petition or Motion. £ s. d.	On Hearing. £ s. d.
On appeal against adjudication of bankruptcy ...	5 0 0	2 0 0
On appeal against allowance, suspension, or refusal of order of discharge in bankruptcy ...	5 0 0	2 0 0
On appeal where judicial relief or assistance is sought, but not the recovery of money ...	2 0 0	2 0 0
On any appeal other than such as are before specified	½ per cent. on amount involved, not exceeding a total fee of 25*l.*	½ per cent. on amount involved, not exceeding a total fee of 25*l.*

Appeal to Her Majesty in Council.

	£ s. d.
On motion for leave to appeal	2 0 0
On every security	2 0 0
On order for leave to appeal	5 0 0
On record of appeal (including expense of transmission) ...	Such sum as the Court directs.

Miscellaneous.

	£ s. d.
On taxation of any bill of costs, for every ten folios, from each party to the taxation	0 5 0
On every deposition taken before trial	0 10 0
On deposit of money other than money paid into Court in a suit	2½ per cent. on amount.
On deposit or registration of bill of sale, will, deed of partnership, or other document	1 0 0
On notice of bill of sale filed	1 0 0
For taking inventory, per diem	1 0 0
For protest of a bill of exchange, and copy	1 0 0
For noting same	0 5 0
For taking an affidavit	0 5 0
For every exhibit	0 2 0
For drawing a will	Such sum as the Court directs.
For filing any document whatever	0 5 0
For certifying signature or seal	0 2 0
For attendance at a sale—	
Where the purchase money is under 100*l.*	1 10 0
Where 100*l.* or upwards	2 per cent. on amount.
On reference to the archives	0 2 6
For certified copy of document in the archives—	
For first 100 words	0 2 6
For every further 100 words	0 1 0
For preparing contracts between travellers and Dragomans or other persons	0 10 0

Miscellaneous.—Continued.	£.	s.	d.
For certified copy of such documents—			
For first 100 words	0	2	6
For every further 100 words	0	1	0
For an official certified translation of any document—			
For first 200 words	0	10	0
For every further 200 words	0	5	0
For communication between two Consular Courts	0	10	0
For communication in writing to a foreign Consulate, or through Dragoman, to local Ottoman authority	0	10	0
For application for Vizirial letter	0	10	0
For despatch to accompany same	0	10	0
For attendance of Dragoman or other Consular officer at Ottoman office or tribunal—			
Where amount involved is—			
Under 250*l.*	0	10	0
250*l.* and under 500*l.*	1	0	0
500*l.* and under 1,000*l.*	2	0	0
1,000*l.* and upwards	½ per cent. on amount involved, not exceeding a total fee of 50*l.*		
For attendance of Dragoman or interpreter at Consular Court if required by a party in a suit	Such sum as the Court directs, not exceeding 3*l.* per diem.		

Criminal Matters.	£	s.	d.
On every summons or warrant, unless specially directed by the Court to be issued	0	2	0
On hearing in summary case	0	2	6
On warrant of commitment	0	1	6
On recognizance	0	1	0
For service of notice on each juror or assessor	0	2	6
On trial with a jury	0	10	0
On record of sentence on a trial with a jury	0	10	0

APPENDIX No. III.—*Page* 33.

TRANSLATED purport of an ORDER from HIS ROYAL HIGHNESS TAMASP MIRZA MOAYED-ED-DOWLAH, dated Shaban 1272 H., A.D. 1855.

By order and permission of the ministers of the exalted government of Persia and on the following conditions, we entrust the government of Bunder Abbas, the Islands of Kishm and Hormuz, and the districts of Ossein, Tazyan, Shemie, Minah, Khameer, and Biyahan, and all their dependencies that are all the very territories of the exalted government, to His Highness Syud Saeed Khan, the Imam of Muscat and Oman. His Highness should act according to these conditions and not avoid any of them :—

ARTICLE 1.

That the Chief of Bunder Abbas should be a dependent of the Persian government, and give a writing to that effect to the ministers of that government, and, like all other Chiefs in Fars, must obey the Governor General of Fars.

ARTICLE 2.

That His Highness should remit with a confidential man of his, in four instalments, the annual sum, as herein detailed, of sixteen thousand Tomans on account of the revenue, peshkush, and present for Bunder Abbas, getting a receipt for the same from the Governor General of Fars.

Total 16,000 Tomans ...	Revenue	12,500	Tomans.
	Peshkush for Prime Minister	2,000	ditto.
	Ditto for Governor General of Fars ...	1,000	ditto.
	Present for Shoja-el-Moolk	500	ditto.

ARTICLE 3.

That His Highness should cause the ditch that is now being dug around the fort of Bunder Abbas, to be filled in, and it should never be re-dug again.

ARTICLE 4.

That until twenty years the Imam of Muscat and his son will have the right of the government of Bunder Abbas, and after the expiration of twenty years, they will have to repair the place and make it over to the Persian government. Should the ministers of the exalted government then again wish to grant the government of Bunder Abbas to the Imam and his sons, they will, through friendship, do so under a new Firman and instructions, otherwise they can occupy the place and depute another Chief there.

ARTICLE 5.

That they should always fly the Persian flag at Bunder Abbas, and there will always be a few Persians there to take care of the flag. A Taskarachee

also will be appointed and sent to remain permanently at Bunder Abbas. Every respect due to the Persian flag should be brought into effect. There will be a monthly courier sent to Bunder Abbas to take newspapers and to look after the flag and its attendants. On all festivals and on the anniversary of the Shah's birthday a salute should be fired. The usual morning and evening guns will also be fired.

ARTICLE 6.

The Chief of Bunder Abbas should in no respect annoy or oppress the subjects and inhabitants of that place who have for some years past served the Persian government, but on the contrary he must take great care of them.

ARTICLE 7.

The Chief of Bunder Abbas should not interfere with any other places than those that have been since the time of the late Fath Ali Shah and are at present under his authority.

ARTICLE 8.

Should at any time the Governor General of Fars or Governor of Laristan desire to go for recreation or sport to Bunder Abbas, the Chief, like other Chiefs, should pay the necessary respect of receiving and every due attention.

ARTICLE 9.

In the event of the Governor General of Fars or Governor of Kerman requiring, in certain emergent cases, to send troops to Cutch, Mekran, or Beloochistan, the Chief of Bunder Abbas, like those of other places, should not fail in attending to his wants, giving provisions and guides, paying the necessary respect on their departure, and doing all like services.

ARTICLE 10.

In case the Governor General of Fars finding any fault in the Chief of Bunder-Abbas, the Imam immediately, on its being brought to his notice, should, without any excuse, discharge the Chief and depute another whom he may deem fit, and who would be obedient to the Governor General of Fars.

ARTICLE 11.

Should any of the subjects of Laristan, Sabaa, and other districts of Fars, or of any of the districts of Kerman, emigrate to Bunder Abbas, on notice being given by the Chief of such district, the Chief of Bunder Abbas should return them to their places.

ARTICLE 12.

These conditions have been made with the present living Imam Syud Saeed Khan and his sons. But should at any time an usurper get into possession of Muscat, the ministers of the Persian government will not be bound to any of these conditions.

ARTICLE 13.

As long as Bunder Abbas, the above-mentioned two Islands, Shernil, Minab, and their dependencies are in the hands of the Imam of Muscat, he should not allow any officers of foreign governments to go there. He should also promise to protect those places by land and sea, providing for every port having an anchorage some ships, bughlas, and other vessels of war. He should further promise to protect all the boundaries of the above mentioned places from all interference and intrusion of strangers, whether in an amicable or hostile manner. He should not at any time allow any ship, bughla, or other vessels of war, or any hostile person armed or otherwise, Arab or foreign, to approach or get a footing at Bunder Abbas or the Persian territory with hostile intentions or other pretexts.

ARTICLE 14.

The Imam of Muscat, notwithstanding these conditions, has not the right of letting Bunder Abbas and the above said places to any foreigner or others. He can only himself hold them, appointing one of his relatives for the management thereof, who would act in accordance with these conditions.

ARTICLE 15.

It is reported by Persian merchants that formerly an Indian, the Contractor of Customs at Muscat, has deputed an Agent at Bunder Abbas, and there received the Muscat duty for goods sent from Bunder Abbas to India and other places, whereas no such rules exist in any country as charging the duty of one place, where the goods are not being sent, in another. As this proceeding is against rules and customs, the Imam should prevent the occurrence thereof hereafter, and should only levy such export and import duty as the late Sheikh Saif used to do, and no more.

ARTICLE 16.

The merchandize detained on the Island of Kishm should be brought to Bunder Abbas and distributed to their respective consigners there through Hajee Abd-el Mahomed, the Melek-el Toojjar of Bushire, and their receipts taken and sent to Tehran.

TRANSLATION of the ARTICLES of AGREEMENT for the release of BUNDER ABBASS, entered into, sealed and signed by HAJEE AHMED, VIZIER, on the part of HIS HIGHNESS SYUD SALIM, SULTAN of MUSCAT, with HIS MAJESTY the SHAH of PERSIA, dated 15th Rabee-oos-sanee Hijree 1285 (4th August 1868).

ACCORDING to the order and permission of His Majesty the Shah of Persia, the Government of Bunder Abbass, the islands of Kishm and Hormuz,

the districts of Yuseen, Tazian, Shumeel, Minab, and Biyaban, and the port of Khumeer and all their dependencies have been made over to the charge of His Highness Syud Salim, the Imam of Muscat, and the country of Oman to be held under the following 15 conditions:—

1*st.*—That the Chief of Bunder Abbass should be a dependant of the Persian Government, and, like all other Chiefs in Fars, must obey the Governor-General of Fars, and he should give a writing to the effect that he is henceforth a subject of the Persian Government.

2*nd.*—He (His Highness the Imam of Muscat) should remit, in four instalments, the sum of thirty thousand Tomans annually to Teheran or Shiraz, and obtain receipts for them.

3*rd.*—The ditch which is now being dug around the fort of Bunder Abbass should be filled in, and it should never be redug.

4*th.*—He and his heirs to hold the Government of Bunder Abbass for eight years. After this period he should give it back to the Persian Government, with all the improvements made to it. If His Majesty think it proper, he may give it to His Highness the Imam of Muscat and his descendants on renewed conditions, or may appoint another Chief to Bunder Abbass.

5*th.*—The flag of the Persian Government and the several persons in charge of it, as also the passport-writer, should always be allowed to remain at the above named place. The Chief should honor the flag. The courier should be allowed to visit the place monthly to bring newspapers, and to see the flag of the (Persian) Government and the people in charge thereof. A salute should be fired on the anniversary of the birth-day of His Majesty the Shah and on the occasion of all festivals. The usual morning and evening gun should also be fired.

6*th.*—The former Chiefs and subjects of Bunder Abbass, who have served His Majesty the Shah should in no way be molested, but, on the contrary, they should be taken great care of.

7*th.*—The Chief of Bunder Abbass should not interfere with any other places than those which have been above mentioned, and of which the Government of Muscat had charge during the time of the late Fateh Ali Shah.

8*th.*—Whenever the Governor-General of Fars or the Governor of Laristan may desire to go for recreation or sport to Bunder Abbass, the Chief of the Bunder should show them every mark of respect and honor, and should serve them as other Chiefs do.

9*th.*—If there be any necessity for the Governor-General of Fars or Kirman to send any army towards Cutch, Mekran, and Beloochistan, the Chief of Bunder Abbass should, like the Chiefs of other places, not fail in providing them with provisions and guides, and in paying the necessary respect on their departure.

10*th.*—If the Governor-General of Fars find any fault in the service rendered by the Chief of Bunder Abbass and apprize His Highness the Imam

thereof, His Highness should immediately discharge the Chief and appoint another person in his place, who should be obedient to the Governor-General of Fars.

11*th.*—If any of the subjects of Laristan, Suba, and other districts of Fars, or of any of the districts of Kirman, run away and take refuge at Bunder Abbass, the Chief should, on receiving information thereof from the Chiefs of those districts, return them to their native places.

12*th.*—These conditions have been entered into with the present living Imam of Muscat, His said Highness Syud Salim, and his descendants. If any conqueror takes possession of Oman and Muscat, the Persian Government will not be bound to any of these conditions in regard to that conqueror.

13*th.*—As long as Bunder Abbass and the above named two islands, and Shumeel and Minab and their dependencies, are in the hands of the Imam of Muscat, he should not allow officers of other Governments to go there. His Highness should protect these places by sea and land, providing for every port having an anchorage some ships, buglas, and other vessels of war. He should protect all the boundaries of the above named places from all interference and intrusion of strangers, whether under friendly pretext or otherwise. He should not, under any circumstances, allow any foreign ship, bugla, or man-of-war, the property of an Arab or Arabs, or of any foreign power, whether with or without ammunition, to anchor within the limits of the anchorage ground of the said territories.

14*th.*—His Highness the Imam of Muscat, notwithstanding these conditions, has no right to let the said Bunder Abbass and the said places to any other Government, but His Highness should, according to these conditions, send one of his own people or servants to manage Bunder Abbass and the aforesaid places, who must act according to the terms of these conditions.

15*th.*—According to the statement of the Persian merchants, there was formerly a Hindoo contractor of the customs at Muscat, who had deputed an Agent at Bunder Abbass, and there received the Muscat duty for goods, belonging to Persian subject, sent from Bunder Abbass to India and other places. This practice, *viz.*, to levy the dufy of one place where the goods are not being sent in another, is contrary to the rules of every nation or Government. His Highness should put a stop to it, and it should never be reverted to in future. The Imam should levy such duty on goods imported into Bunder Abbass either by land or by sea, as Shaik Syif used to do when he was alive, and no more.

PERSIAN GULF.

APPENDIX No. IV.—*Page* 46.

12 *and* 13, *Victoria, Cap. LXXXIV.*

An Act for carrying into effect Engagements between Her Majesty and certain Arabian Chiefs in the Persian Gulf for the more effectual suppression of the Slave-trade, dated 1st August 1849.

Whereas on the thirtieth day of April, in the year of our Lord one thousand eight hundred and forty-seven, an engagement was concluded between Major S. Hennell, the Resident in the Persian Gulf, on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Sultan Bin Sugger, Shaik of Ras-ool-Kheimah and Shargah in the Persian Gulf, the Chief of the Joasmee Arabs, whereby it was agreed as follows:—

"I, Shaik Sultan Bin Sugger, Chief of the Joasmee tribe, with a view to strengthen the bonds of friendship existing between me and the British Government, do hereby engage to prohibit the exportation of slaves from the coasts of Africa and elsewhere on board of my vessels and those belonging to my subjects or dependents, such prohibition to take effect from the 1st day of Mohurrum A. H. 1264 (or 10th December A. D. 1847).

"And I do further consent, that whenever the cruizers of the British Government fall in with any of my vessels, or those belonging to my subjects or dependents, suspected of being engaged in the slave-trade, they may detain and search them; and in case of their finding that any of the vessels aforesaid have violated this engagement, by the exportation of slaves from the coasts of Africa or elsewhere, upon any pretext whatsoever, they (the government cruizers) shall seize and confiscate the same."

And whereas on the said thirtieth day of April one thousand eight hundred and forty-seven, an engagement was also concluded between Major S. Hennell, the Resident in the Persian Gulf, on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Muktoom Bin Buttye, Shaik of Debaye, whereby it was agreed as follows:—

"I, Muktoom Bin Buttye, Shaik of Debaye, with the view to strengthen the bonds of friendship existing between me and the British Government, do hereby engage to prohibit the exportation of slaves from the coasts of Africa and elsewhere on board of my vessels and those belonging to my subjects or dependents, such prohibition to take effect from the 1st day of Mohurrum A.H. 1264 (or 10th December A.D. 1847).

"And I do further consent, that whenever the cruizers of the British Government fall in with any of my vessels, or those belonging to my subjects or dependents, suspected of being engaged in the slave-trade, they may detain and search them; and in case of their finding that any of the vessels aforesaid have violated this engagement, by the exportation of slaves from the coasts

of Africa or elsewhere, upon any pretext whatsoever, they (the government cruizers) shall seize and confiscate the same."

And whereas on the first day of May, in the said year one thousand eight hundred and forty-seven, an engagement was also concluded between the said Major S. Hennell, on behalf of Her Majesty, and Abdool Azeez Bin Rashid, Shaik of Eginan, whereby it was agreed as follows:—

"I, Abdool Azeez Bin Rashid, Shaik of Eginan, with the view to strengthen the bonds of friendship existing between me and the British Government, do hereby engage to prohibit the exportation of slaves from the coasts of Africa and elsewhere on board of my vessels and those belonging to my subjects or dependents, such prohibition to take effect from the 1st day of Mohurrum, A.H. 1264 (or 10th December A.D. 1847).

"And I do further consent, that whenever the cruizers of the British Government fall in with any of my vessels, or those belonging to my subjects or dependents, suspected of being engaged in the slave-trade, they may detain and search them; and in case of their finding that any of the vessels aforesaid have violated this engagement, by the exportation of slaves from the coasts of Africa or elsewhere, upon any pretext whatsoever, they (the government cruizers) shall seize and confiscate the same."

And whereas on the said first day of May, an engagement was concluded by the said Major S. Hennell, on behalf of Her Majesty, and Shaik Abdullah Bin Rashid, Shaik of Amulgavine, whereby it was agreed as follows:—

"I, Abdullah Bin Rashid, Shaik of Amulgavine, with a view to strengthen the bonds of friendship existing between me and the British Government, do hereby engage to prohibit the exportation of slaves from the coast of Africa and elsewhere on board of my vessels and those belonging to my subjects or dependents; such prohibition to take effect from the 1st day of Mohurrum A.H. 1264 (or 10th December A.D. 1847)."

"And I do further consent, that whenever the cruizers of the British Government fall in with any of my vessels, or those belonging to my subjects or dependents, suspected of being engaged in the slave-trade, they may detain and search them; and in case of their finding that any of the vessels aforesaid have violated this engagement, by the exportation of slaves from the coasts of Africa or elsewhere, upon any pretext whatsoever, they (the government cruizers) shall seize and confiscate the same."

And whereas on the third day of May, in the said year one thousand eight hundred and forty-seven, an engagement was concluded by the said Major S. Hennell, on behalf of Her Majesty, and Shaik Saeed Bin Tahnoon, Chief of Aboothabee, whereby it was agreed as follows:—

"I, Saeed Bin Tahnoon, Shaik of the Bin Yas, Chief of Aboothabee, with view to strengthen the bonds of friendship existing between me and the British Government, do hereby engage to prohibit the exportation of slaves from the coasts of Africa and elsewhere on board of my vessels and those belonging to my subjects or dependents, such prohibition to take effect from the 1st day of Mohurrum A.H. 1264 (or 10th December 1847.)

"And I do further consent, that whenever the cruizers of the British Government fall in with any of my vessels, or those belonging to

my subjects or dependents, suspected of being engaged in the slave-trade, they may detain and search them; and in case of their finding that any of the vessels aforesaid have violated this engagement, by the exportation of slaves from the coasts of Africa or elsewhere, upon any pretext whatsoever, they (the government cruizers) shall seize and confiscate the same."

And whereas on the eighth day of May, in the said year one thousand eight hundred and forty-seven, an engagement was concluded by the said Major S. Hennell, on behalf of Her Majesty, and Sheik Mahomed Bin Khuleefa Bin Subman, Chief of Bahrein, whereby it was agreed as follows:—

"I, Mahomed Bin Khuleefa Bin Subman, Chief of Bahrein, with the view to strengthen the bonds of friendship existing between me and the British Government, do hereby engage to prohibit the exportation of slaves from the coasts of Africa and elsewhere on board of my vessels and those belonging to my subjects or dependents, such prohibition to take effect from the 1st day of Mohurrum A. H. 1264 (or 10th December A.D. 1847).

"And I do further consent, that whenever the cruizers of the British Government fall in with any of my vessels, or those belonging to my subjects or dependents, suspected of being engaged in the slave-trade, they may detain and search them; and in case of their finding that any of the vessels aforesaid have violated this engagement, by the exportation of slaves from the coasts of Africa or elsewhere, upon any pretext whatsoever, they (the government cruizers) shall seize and confiscate the same."

And whereas it is expedient that effectual provision should be made for carrying into execution the provisions of the said several agreements, be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the Commanders and other Officers of Her Majesty's ships of war, or of the East India Company, to visit and detain in any seas any vessel belonging to either of the said respective Chiefs, Shaik Sultan Bin Sugger, Chief of the Joasmee tribe, Muktoom Bin Buttye, Shaik of Debaye, Abdool Azeez Bin Rashid, Shaik of Eginan, Abdullah Bin Rashid, Shaik of Amulgavine, Saeed Bin Tahnoon, Shaik of the Bin Yas, Chief of Aboothabee Mahomed Bin Khuleefa, Bin Subman, Chief of Bahrein, or to any of their subjects or dependents, which shall upon reasonable grounds be suspected of being engaged in the traffic in slaves or having been fitted out for that purpose, and to send or carry away such vessel, together with its masters, sailors, passengers, slaves, and cargo, for the purpose of such vessel being brought to adjudication as hereinafter mentioned.

Officers Commanding ships of Her Majesty, as well as those of the East India Company, authorized to visit vessels belonging to the before-mentioned Chiefs, or to any of their subjects or dependents.

II. And be it enacted, that it shall be lawful for the High Court of Admiralty of England, and for all Courts of Vice-Admiralty in any dominions of Her Majesty beyond the seas, including those Courts of Vice-Admiralty within the territories under the government of the East

The trial of vessels engaged in the slave-trade.

India Company, to take cognizance of and try any such vessel which shall be detained or captured for the violation of the said agreements, and to condemn any such vessel to Her Majesty, and adjudged as to the slaves found therein, in like manner and under such and the like rules and regulations as are contained in any Act or Acts of Parliament in force in relation to the suppression of the slave-trade by British owned ships as fully as if all the powers and provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice-Admiralty.

Persons giving false evidence deemed guilty of perjury.

III. And be it enacted, that every person who shall wilfully and corruptly give false evidence in any examination or deposition had or affidavit taken in any proceeding under the said engagements or this Act shall be deemed guilty of perjury, and being thereof convicted shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury, either in the place where the offence was committed, or in any colony or settlement of Her Majesty near thereto in which there is a Court of competent jurisdiction to try any such offence, or in Her Majesty's Court of Queen's Bench in England, and that in case of any prosecution for such offence in Her Majesty's said Court of Queen's Bench, the venue may be laid in the County of Middlesex.

Pendency of suits to be a bar to any proceedings instituted for the recovery of the vessels detained.

IV. And be it enacted, that the pendency of any suit or proceeding instituted for the condemnation or restitution of any ship or cargo, or slaves, taken, seized, or detained by virtue of the said agreements, or the final adjudication, condemnation, or judgment or determination thereupon, may be pleaded in bar or given in evidence under the general issue and shall be deemed in any Court whatever to be a complete bar in any action, suit, or proceeding, whether instituted by any person or persons for the recovery of any such ship, vessel, or cargo, or of any damage, or for any injury sustained thereby or by the persons on board the same, in consequence of any capture, seizure, or detention or any thing done under, in pursuance of, the provisions of the said agreements.

Vessels condemned to be sold for Her Majesty's service or broken up.

V. And be it enacted, that any ship or vessel which shall be condemned as aforesaid may be taken into Her Majesty's service, upon payment of such sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper price for the same, or if not so taken, shall be broken up and demolished, and the materials thereof shall be publicly sold in separate parts, and the proceeds thereof shall be paid to such person or persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Captors of vessels shall, after the same are condemned, be entitled to the proceeds belonging to Her Majesty.

VI. And be it enacted, that where any ship or vessel employed or engaged in such illicit traffic in slaves, in violation of the said agreements, shall be seized by any ship or vessel belonging to Her Majesty or the East India Company and afterwards condemned, there shall be paid to the captors the net proceeds to which Her Majesty

is entitled, the same to be distributed in the same manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessels.

Bounty for slaves captured.

VII. And be it enacted, that there shall be paid to the Commander, Officers, and crews of Her Majesty's ships, or the Commander, Officers, and crews of the ships of the East India Company, a bounty of five pounds for every man, woman, and child slave seized and found on board any ship or vessel taken and condemned in pursuance of the provisions of the said agreement and of this Act, such bounty to be issued and paid by order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the captors aforesaid in such manner and proportions as Her Majesty shall think fit to order by any order in Council made or to be made, or by any proclamation for that purpose.

Bounty on tonnage of slave ships captured and demolished.

VIII. And be it enacted, that where any ship or vessel which shall have been seized and condemned under the provisions of the said agreements, shall have been or shall be demolished, and the materials thereof publicly sold in separate parts, as well as her cargo, there shall be paid to the Commanders, Officers, and crews of Her Majesty's ships or of those of the East India Company, in addition to the amount of the proceeds of such sale as hereinbefore mentioned, a further bounty on the tonnage of such ship or vessel at the rate of thirty shillings for every ton of such tonnage.

Where no slaves are on board a ship seized and condemned an additional bounty to be paid.

IX. And be it enacted, that where any ship or vessel having no slaves on board shall have been seized and condemned under the provisions of the said agreements, there shall be paid to the Commanders, Officers, and crews of Her Majesty's ships or those of the East India Company an additional bounty upon the tonnage of such ship or vessel at the rate of four pounds for every ton; and the tonnage of all such vessels shall be ascertained according to the mode of ascertaining the admeasurement of British vessels, either by the principal Officer of the customs at the port where the vessel may be at the time of condemnation, or in default thereof by the best evidence which can be obtained: provided always, that in every case in which any ship or vessel shall be seized with slaves on board in which the bounty calculated upon the number of slaves shall be less than the bounty calculated upon the tonnage, the Commanders of Her Majesty's ships or of those of the East India Company making the seizure may elect to take the bounty calculated according to tonnage, instead of the bounty which would be payable upon the number of slaves on board.

Bounties to be paid out of the Consolidated Fund.

X. And be it enacted, that all bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the Commanders, Officers, and crews of Her Majesty's ships and of the ships of the East India Company, and such bounties shall be issued and paid by order from the Commissioners of Her Majesty's Treasury.

XI. And be it enacted, that the said bounty, as also all bounties payable under any of the Acts for the abolition or suppression of the slave-trade, shall not hereafter be charged with Treasury fees or Exchequer fees of any description.

Bounties not liable to payment of fees.

XII. Provided always, and be it enacted, that in order to entitle the captors to receive the said bounty money and tonnage of the ship or vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a copy, duly certified, of the sentence or decree of condemnation, or by such documentary or other evidence as they may deem satisfactory.

Proof of tonnage.

XIII. Provided always, and be it enacted, that in order to entitle the captors to receive the said bounty money on slaves, the number of men, women, and children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a copy, duly certified, of the sentence, or decree of condemnation, and also a certificate under the hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such slaves.

Copy of sentence of condemnation to be produced to the Commissioners of the Treasury.

XIV. And be it enacted, that where any slaves or persons treated as slaves shall be seized on board any ship or vessel, taken and condemned in pursuance of the said agreements and of this Act, but who shall not have been delivered over in consequence of death, sickness, or other inevitable circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment of one moiety of the bounty which would have been due in each case respectively if the said slaves had been delivered over.

One moiety of the bounty only to be paid in certain cases.

XV. Provided also, and be it enacted, that any party or parties claiming any benefit by way of bounty under the provisions of this Act, or of any share of the proceeds of any vessel confiscated in pursuance of the provisions of the aforesaid agreements, may resort to the High Court of Admiralty for the purpose of obtaining the judgment of the said Court in that behalf, and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any question of joint capture which may arise upon any seizure made in pursuance of this Act, and also to enforce any decrees or sentences of the said Vice-Admiralty Courts relating to any such seizure.

Parties claiming benefit under this Act may resort to the Court of Admiralty.

XVI. And be it enacted, that all the provisions, rules, regulations, forfeitures, and penalties respecting the delivery by Prize Agents of accounts for examination, and the distribution of prize money and the accounting for and paying over the proceeds of price and the percentage due thereon to Greenwich Hospital, shall be extended to all bounties and proceeds to be distributed, under the provisions of this Act, to the Officers and crews of any of Her Majesty's ships and vessels of war.

Regulations and penalties respecting Prize Agent's accounts extended to bounties, &c., under this Act.

XVII. And be it enacted, that where any ship or vessel belonging in whole or in part to the before-mentioned Chiefs, or their subjects or dependents, shall have been detained and brought to adjudication by any Officers of Her Majesty the Queen of Great Britain and Ireland or of those of the East India Company, and the said ships shall be restored by sentence of the Court, it shall be lawful for the Commissioners of Her Majesty's Treasury, by warrant signed by any two or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of any costs or damages which may be duly awarded, provided always, that nothing herein contained shall exempt such Officer from his liability to make good the payment so made, when lawfully called upon either, by the parties interested therein or by order of the said Commissioners of Her Majesty's Treasury.

Commissioners of the Treasury may order payment of costs awarded for vessels detained, but not condemned.

XVIII. And be it enacted, that when any seizure shall be made by any of the Commanders, Officers, and crews of Her Majesty's ships, or of those of the East India Company, and judgment shall be given against the seizor, or when such seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, by warrant signed by any two or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of such costs and expenses as the seizor may have incurred in respect of such seizure, or any proportional part thereof.

The Commissioners of the Treasury may repay to the seizor of any vessel not condemned the expenses incurred by him.

INSTRUCTIONS OF THE GOVERNMENT OF INDIA, RELATIVE TO THE SLAVE TRADE.

The Treaty mentions vessels the property of the Imaum as well as of his subjects, but the Statute only vessels of his subjects. The instructions, however, may stand as here headed.

(Sd.) A. S. LEMESSURIER,
A. G.

Vessels belonging to the Imaum of Muscat, or to any of his subjects belonging to either of the following respective Arabian Chiefs in the Persian Gulf, *viz.*—

1.—Shaik Sultan Bin Suggur, Shaik of Ras-ool-kheimah and Shargah in the Persian Gulf, Chief of the Joasmee tribe of Arabs.

2.—Muktoom Bin Buttye, Shaik of Debaye.

3.—Abdool Azeez bin Rashid, Shaik of Ejman.

4.—Abdullah Bin Rashid, Shaik of Amulgavine.

5.—Saeed Bin Tahnoon, Shaik of the Beni Yas, Chief of Aboothabee.

6.—Mahomed Bin Khuleefa Bin Subman, Chief of Bahrein, or to any of their subjects or dependants.

INSTRUCTIONS.

To the Commanders of the Honourable East India Company's ships for carrying into execution the provisions of the Act of XI. and XII. Vic. Cap. 128, entitled an Act for carrying into effect the agreement between Her Majesty and the Imaum of Muscat for the more effectual suppression of the slave-trade, also for carrying into execution the provisions of the Act of XII. and XIII. Vic., Cap. 84, entitled an Act for carrying into effect engagements between Her Majesty and certain Arabian Chiefs in the Persian Gulf for the more effectual suppression of the slave-trade, copies of both of which Acts are hereto annexed.

I. You are required to make yourselves fully acquainted with the different provisions of these Acts of Parliament and to guide yourselves accordingly by them in all your acts when you meet or fall in with any vessels belonging to the Imaum of Muscat, or any of his subjects, or with any vessel belonging to any or either of the Arabian Chiefs therein respectively named, or any of their subjects or dependants engaged in the slave-trade, or fitted out for the purpose contrary* to the provisions of these Acts.

II. Your attention is to be directed to the third article of the agreement with the Imaum, dated 2nd October 1845, as set out in the Act of XI.* and XII.* Vic., Cap. 128.

III. And also to the provisions of the first Section of these Acts, which empower the Commanders of the ships of war of the East India Company to visit vessels belonging to the subjects of the Imaum, within the limits therein specified, and also to visit vessels belonging to the Chiefs, or the subjects or dependants of the Chiefs, named in Act XII. and XIII. Vic., Cap. 84, suspected of being engaged in slave-trade.

IV. You will *visit* and *detain* in any seas, except within the limits exempted by the terms of the third article of the said agreement (contained in Act XI. and XII. Vic., Cap. 128), *any merchant vessel belonging to the subjects of the Imaum of Muscat which shall upon reasonable grounds be suspected of being engaged* in the export of slaves from the African dominions of the Imaum of Muscat, or the importation of slaves from any part of Africa into his possessions in Asia, excepting such only as are engaged in the transport of slaves from one port to another of his own dominions in Africa, between the port of Lamoo to the north and its dependencies, the northern limits of which is the north point of Khyhoo Island in 1°57′ south latitude, and the port of Keelwa to the south and its dependencies, the southern limit of which is the Sonya Manara or Pagoda point in 9°2′ south latitude, including the Islands of Zanzibar, Pemba, and Monfia, *or any vessel fitted out for that purpose,* and to send or carry away such vessels, together with its masters, sailors, passengers, slaves, and cargo, for the purpose of such vessel being brought to adjudication as in the Act of XI. and XII. Vic., mentioned.

V. You will visit and detain in any seas any vessel belonging to either of the said respective Chiefs, Shaik Sultan Bin Suggur, Chief of the Joasmee

* See p. cli.

tribe, Muktoom Bin Buttye, Shaik of Debaye, Abdool Azeez Bin Rashid, Shaik of Ejman, Abdullah Bin Rashid, Shaik of Amulgavine, Saeed Bin Tahnoon, Shaik of the Beni Yas, Chief of Aboothabee, Mahomed bin Khulcefa Bin Subman, Chief of Bahrein, or to any of their subjects or dependants, which shall upon reasonable grounds be suspected of being engaged in the traffic in slaves or having been fitted out for that purpose, and to send or carry away such vessel, together with its masters, sailors, passengers, slaves, and cargo, for the purpose of such vessel being brought to adjudication, as in the Act of XII. and XIII. Vic., mentioned.

VI. On detaining any vessel visited by you under the aforesaid provisions of either of the said two Acts and of these instructions, you will take possession of the ship's papers, making a list thereof according to Form No. 1, and certifying the same by your signature.

VII. You will also draw out a declaration according to Form No. 2 stating the circumstances attending the capture, and mentioning the date when and in the place where it was made, and you will certify the same by your signature.

VIII. In sending or carrying away such vessel with its masters, sailors, passengers, slaves, and cargo for the purpose of adjudication, you will do so without delay, and send or carry her with them to the nearest port or place where a British Court of Vice-Admiralty may be established, and on your arrival at such port or place you shall duly report your arrival and deliver up to the proper Authorities there the vessel, with its master, sailors, passengers, slaves, and cargo, to be dealt with according to law, and you shall abide such further instructions on the subject as shall be given you.

IX. The Officer in charge of the slave vessel is at the same time of delivering up the vessel to the proper Authorities to deliver also the ship's papers and certificates thereof and the captor's declaration of capture.

X. The circumstances attending the seizure of a vessel under either of these Acts of Parliament must be fully reported to the Officer under whose orders you are serving, and a duplicate of the report must be sent at the earliest opportunity to the Commander-in-Chief of the Indian Navy at Bombay.

Given under my hand at Bombay this day of 1850.

Commodore.

Commander-in-Chief, I. N.

FORM No. 1.

CERTIFICATE containing a LIST of PAPERS to be made out in duplicate, one copy to be delivered to the master placed in charge of a detained vessel as soon as possible after seizure, the other to be delivered to be kept with a view to its production in the Court before which the vessel is taken for adjudication.

I, the undersigned hold the rank of in the Indian Navy, and Commanding the Honourable Company's ship

do hereby certify that on the day of
being the latitude and longitude of
Greenwich, seized the whereof is Tindal,
and that she had on board at time of capture
slaves, namely—

Males.
Females. If no slaves be on board, state the fact.

Total.

I further certify that the papers which I have numbered 1 to inclusive are the whole of the documents, letters, and writings seized on board, which are hereunder specified and described, namely,—

Here specify and describe No. 1
the papers found on board „ 2
according to number „ 3, &c.

Signed by me the day of 1850.

Commanding H. C. Ship.

FORM No. 2.

DECLARATION to be made by the COMMANDER of the HONOURABLE COMPANY'S SHIP at the time of the seizure and delivered to the Court before which the vessel is taken for adjudication.

I, the undersigned holding the rank of
in the Indian Navy, and Commanding the Honourable Company's Ship
duly authorized by the Act* of Parliament for the
suppression of the slave trade as therein provided, do hereby declare that
on the day of being in
latitude and longitude of Greenwich,
I seized the whereof
is Tindal, for having violated the said and I
further declare that the vessel had on board at the time of seizure a crew
of persons passengers and slaves
as follows:—

Males.
Females.

Total.

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* If the seizure be under the Act of XI. and XII. Vic., Cap. 128, insert it; if under XII. and XIII. Vic., Cap. 84, state it accordingly.

Here insert any particulars worthy of notice, as to the state in which the vessel was found, and any facts as to the circumstances or causes of seizure.

And I do also declare that I found this vessel in the following state:—

Given under my hand this day of 1850.

Commanding H. C. Ship.

Approved by the Most Noble the Governor-General of India on the 17th July 1850.

MUSCAT.

APPENDIX No. V.—*Page* 75.

11 *and* 12 *Vic., Cap. CXXVIII.*

An Act for carrying into effect the Agreement between HER MAJESTY and the IMAUM of MUSCAT for the more effectual suppression of the SLAVE-TRADE, dated 15th September 1848.

Whereas on the second day of October, in the year of our Lord one thousand eight hundred and forty-five, an agreement was concluded and signed at Zanzibar between Captain Atkins Hamerton, of Her Majesty's Royal Navy, on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness Seid Saeed Bin Sultan, the Imaum of Muscat, whereby it was agreed as follows:—

ARTICLE 1.

His Highness the Sultan of Muscat hereby engages to prohibit, under the severest penalties, the export of slaves from his African dominions, and to issue orders to his Officers to prevent and suppress such trade.

ARTICLE 2.

His Highness the Sultan of Muscat further engages to prohibit, under the severest penalties, the importation of slaves from any part of Africa into his possessions in Asia, and to use his utmost influence with all the Chiefs of Arabia, the Red Sea, and the Persian Gulf, in like manner to prevent the introduction of slaves from Africa into their respective territories.

ARTICLE 3.

His Highness the Sultan of Muscat grants to the ships of Her Majesty's Navy, as well as those of the East India Company, permission to seize and confiscate any vessels the property of His Highness or of his subjects carrying on slave trade, excepting such only as are engaged in the transport of slaves from one port to another of his own dominions in Africa, between the port of Lamoo to the north and its dependencies, the northern limit of which is the north point of Knyhoo Island in 1°57′ south latitude, and the port of Keelwa to the south and its dependencies, the southern limit of which is the Songa Manara or Pagoda Point in 9°2′ south latitude, including the Islands of Zanzibar, Pemba, and Monfea.

ARTICLE 4.

This agreement to commence and have effect from the first day of January one thousand eight hundred and forty-seven of the year of Christ,

and the fifteenth day of the month of Mohurrum one thousand two hundred and sixty-three of the Hegira.

Done at Zanzibar this second day of October, one thousand eight hundred and forty-five of the year of Christ, and twenty-nine day of Ramzan one thousand two hundred and sixty-one of the Hegira.

(Sd.) Seid Saeed Bin Sultan,
Imaum of Muscat.

(Sd.) Atkins Hamerton, *Captain,*
On behalf of Her Majesty the Queen of Great Britain and Ireland, Her Heirs and Successors.

And whereas it is expedient and necessary that effectual provision should be made for carrying into execution the provisions of the said agreement: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the Commander and other Officers of Her Majesty's ships of war or of the East India Company to visit and detain in any seas, except within the limits exempted by the terms of the third Article of the said agreement, any merchant vessel belonging to the subjects of the Imaum of Muscat which shall upon reasonable grounds be suspected of being engaged in the export of slaves from the African dominions of the Imaum of Muscat, or the importation of slaves from any part of Africa into his possessions in Asia, excepting such only as are engaged in the transport of slaves from one port to another of his own dominions in Africa, between the port of Lamoo to the north and its dependencies, the northern limit of which is the north point of Knyhoo Island in 1°57′ south latitude, and the port of Keelwa to the south and its dependencies. the southern limit of which is the Songa Manara or Pagoda Point in 9° 2′ south latitude, including the Islands of Zanzibar, Pemba, and Monfea, or any vessel fitted out for that purpose, and to send or carry away such vessel, together with its masters, sailors, passengers, slaves, and cargo, for the purpose of such vessel being brought to adjudication as hereinafter mentioned.

Power to Commanders of ships of war and of the East India Company to visit vessels belonging to subjects of the Imaum of Muscat, within certain limits, suspected of being engaged in the slave-trade.

II. And be it enacted, that it shall be lawful for the High Court of Admiralty of England, and for all Courts of Vice-Admiralty in any dominions of Her Majesty beyond the seas, including those Courts of Vice-Admiralty within the territories under the Government of the East India Company, to take cognizance of and try any such vessel which shall be detained or captured for the violation of the said agreement, and to condemn

As to the trial of vessels engaged in the slave-trade.

any such vessel to Her Majesty, and adjudge as to the slaves found therein, in like manner, and under such and the like rules and regulations as are contained in any Act or Acts of Parliament in force in relation to the suppression of the slave-trade by British owned ships, as fully as if all the powers and provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice-Admiralty.

Persons giving false evidence deemed guilty of perjury.

III. And be it enacted, that every person who shall wilfully and corruptly give false evidence in any examination or deposition had or affidavit taken in any proceeding under the said agreement or under this Act shall be deemed guilty of perjury, and being thereof convicted shall be subject and liable to all the punishments, pains, and penalties to which persons of wilful and corrupt perjury are liable, and every such person may be tried for any such perjury either in the place where the offence was committed or in any colony or settlement of Her Majesty near thereto in which there is a Court of competent jurisdiction to try any such offence, or in Her Majesty's Court of Queen's Bench in England; and that in case of any prosecution for such offence in Her Majesty's said Court of Queen's Bench the venue may be laid in the County of Middlesex.

Pendency of suits to be a bar to any proceedings instituted for the recovery of the vessels detained.

IV. And be it enacted, that the dependency of any suit or proceeding instituted for the condemnation or restitution of any ship or cargo, or slaves, taken, seized, or detained by virtue of the said agreement, or the final adjudication, condemnation, or judgment or determination thereupon, may be pleaded in bar or given in evidence under the general issue, and shall be deemed in any Court whatever to be a complete bar in any action, suit, or proceeding, whether instituted by any person or persons for the recovery of any such ship, vessel, or cargo, or of any damage or for any injury sustained thereby or by the persons on board the same, in consequence of any capture, seizure or detention, or any thing done under, or in pursuance of, the provisions of the said agreement.

Vessels condemned to be sold for Her Majesty's service, or broken up.

V. And be it enacted, that any ship or vessel which shall be condemned as aforesaid may be taken into Her Majesty's service, upon payment of such sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper price for the same, or if not so taken, shall be broken up and demolished, and the materials thereof shall be publicly sold in separate parts, and the proceeds thereof shall be paid to such person or persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Captors of vessels shall, after the same are condemned, be entitled to the proceeds belonging to Her Majesty.

VI. And be it enacted, that where any ship or vessel employed or engaged in such illicit traffic in slaves, in violation of the said agreement, shall be seized by any ship or vessel belonging to Her Majesty or the East India Company and afterwards condemned, there shall be paid to the captors the net proceeds to which Her Majesty is entitled, the same to be distributed in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessels.

VII. And be it enacted, that there shall be paid to the Commander, Officers, and crews of Her Majesty's ships, or the Commander, Officers, and crews of the ships of the East India Company, a bounty of five pounds for every man, woman, and child slave seized and found on board any ship or vessel, taken and condemned in pursuance of the provisions of the said agreement and of this Act; such bounty to be issued and paid by order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the captors aforesaid in such manner and proportions as Her Majesty shall think fit to order by any order in Council, made or to be made, or by any proclamation for that purpose.

A bounty of £5 for every slave found on board of vessels seized and condemned.

VIII. And be it enacted, that where any ship or vessel which shall have been seized and condemned under the provisions of the said agreement shall have been or shall be demolished, and the materials thereof publicly sold in separate parts, as well as her cargo, there shall be paid to the Commanders, Officers, and crews of Her Majesty's ships, or of those of the East India Company, in addition to the amount of the proceeds of such sale as hereinfore mentioned, a further bounty on the tonnage of such ship or vessel at the rate of thirty shillings for every ton of such tonnage.

A bounty to be paid on tonnage of slave ships captured and demolished.

IX. And be it enacted, that where any ship or vessel having no slaves on board shall have been seized and condemned under the provisions of the said agreement, there shall be paid to the Commanders, Officers, and crews of Her Majesty's ships, or those of the East India Company, an additional bounty upon the tonnage of such ship or vessel at the rate of four pounds for every ton, and the tonnage of all such vessels shall be ascertained according to the mode of ascertaining the admeasurement of British vessels, either by the principal Officer of the customs at the port where the vessel may be at the time of condemnation, or in default thereof by the best evidence which can be obtained: provided always, that in every case in which any ship or vessel shall be seized with slaves on board in which the bounty calculated upon the number of slaves shall be less than the bounty calculated upon the tonnage, the Commanders of Her Majesty's ships, or of those of the East India Company making the seizure, may elect to take the bounty calculated according to tonnage, instead of the bounty which would be payable upon the number of slaves on board.

Where no slaves are on board a ship seized and condemned, an additional bounty to be paid on tonnage.

X. And be it enacted, that all bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the Commanders, Officers, and crews of Her Majesty's ships, and of the ships of the East India Company, and such bounties shall be issued and paid by order from the Commissioners of Her Majesty's Treasury.

Bounties to be paid out of the Consolidated Fund.

XI. And be it enacted, that the said bounty, as also all bounties payable under any of the Acts for the abolition or suppression of the slave-trade, shall not hereafter be charged with Treasury fees or Exchequer fees of any description.

Bounties not liable to payment of fees.

Captors entitled to bounty to give proof of tonnage.

XII. Provided always, and be it enacted, that in order to entitle the captors to receive the said bounty money, the tonnage of the ship or vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a copy, duly certified, of the sentence or decree of condemnation, or by such documentary or other evidence as they may deem satisfactory.

Copy of sentence of condemnation to be produced to the Treasury.

XIII. Provided always, and be it enacted, that in order to entitle the captors to receive the said bounty money on slaves, the number of men, women, and children so taken, delivered over, and condemned, shall be proved to the Commissioners of Her Majesty's Treasury by producing a copy, duly certified, of the sentence or decree of condemnation, and also a certificate under the hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such slaves.

In certain cases Treasury may order one moiety of the bounty to be paid.

XIV. And be it enacted, that where any slaves, or persons treated as slaves, shall be seized on board any ship or vessel taken and condemned in pursuance of the said agreement and of this Act, but who shall not have been delivered over in consequence of death, sickness, or other inevitable circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment of one moiety of the bounty which would have been due in each case respectively if the said slaves had been delivered over.

Parties claiming benefit under this Act may resort to the Court of Admiralty.

XV. Provided also, and be it enacted, that any party or parties claiming any benefit by way of bounty under the provisions of this Act, or of any share of the proceeds of any vessel confiscated in pursuance of the provisions of the aforesaid agreement, may resort to the High Court of Admiralty for the purpose of obtaining the judgment of the said Court in that behalf, and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon and also to hear and determine any question of joint capture which may arise upon any seizure made in pursuance of this Act, and also to enforce any decrees or sentences of the said Vice-Admiralty Courts relating to any such seizure.

Regulations and penalties to which Prize Agents are liable, extended to bounties, &c., under this Act.

XVI. And be it enacted, that all the provisions, rules, regulations, forfeitures, and penalties respecting the delivery by Prize Agents of accounts for examination and the distribution of prize money, and the accounting for and paying over the proceeds of prize and the percentage due thereon to Greenwich Hospital, shall be extended to all bounties and proceeds to be distributed under the provisions of this Act to the Officers and crews of any of Her Majesty's ships and vessels of war.

Treasury may order payment of costs awarded for vessels detained, but not condemned.

XVII. And be it enacted, that where any ship or vessel belonging in whole or in part to subjects of the Imaum of Muscat shall have been detained and brought to adjudication by any Officers of Her Majesty the Queen of Great Britain and Ireland, or of those of the East India Company, and the said ship shall be restored by sentence of the Court, it shall be

lawful for the Commissioners of Her Majesty's Treasury, by warrant signed by any three or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of any cost or damages which may be duly awarded; provided always that nothing herein contained shall exempt such Officer from his liability to make good the payments so made when lawfully called upon either by the parties interested therein, or by order of the said Commissioners of Her Majesty's Treasury.

Treasury may repay to the seizor of any vessel not condemned the expenses incurred by him.

XVIII. And be it enacted, that when any seizure shall be made by any of the Commanders, Officers, and crews of Her Majesty's ships or of those of the East India Company and judgment shall be given against the seizor, or when such seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, by warrant signed by any three or more of them to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of such costs and expenses as the seizor may have incurred in respect of such seizure, or any proportional part thereof.

MUSCAT.

APPENDIX No.—VI.—*Page* 83.

At the Court at Windsor, the 4th day of November 1867.

PRESENT:

The Queen's Most Excellent Majesty in Council.

Whereas by an Act of Parliament made and passed in the Session of Parliament holden on the 6th and 7th years of Her Majesty's reign, intituled "an Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual," it is amongst other things enacted that it is and shall be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty now hath, or may at any time hereafter have within any country or place out of Her Majesty's dominions in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory.

And whereas Her Majesty hath power and jurisdiction in the dominions of His Majesty the Sultan of Muscat and its dependencies.

And whereas it is expedient to make provision for the due and effectual exercise of such power and jurisdiction.

1. Now, therefore, in pursuance and by virtue of the said recited Act of Parliament, Her Majesty is pleased, by and with the advice of Her Privy Council, in order, and it is hereby ordered, that Her Majesty's Consuls appointed to reside in the dominions of the Sultan of Muscat shall have full power and authority to carry into effect and to enforce by the means and in the manner hereinafter mentioned and provided, the observance of the stipulations of any Treaty or Convention, or of any Regulations appended to any Treaty or Convention now existing, or which may hereafter be made between Her Majesty, her heirs and successors, and the Sultan of Muscat, his heirs and successors; and to make and to enforce by fine or imprisonment, or both, Rules and Regulations for the observance of the stipulation of any such Treaty or Convention and for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Sultan of Muscat, his heirs and successors.

2. And it is further ordered, that a copy of all such Rules and Regulations made by the said Consul shall forthwith be affixed, and kept affixed and exhibited in some conspicuous place in the public office of the said Consul, and that printed copies of the said Rules and Regulations shall, as soon as possible, be provided by the said Consul, and sold at a price not exceeding one dollar for each copy; and for the purpose of convicting any person offending against the said Rules and Regulations and for all other purposes of law whatsoever, a printed copy of the said Rules and Regulations, certified under the hand of the said Consul to be a true copy thereof, shall be

taken as conclusive evidence of such Rules and Regulations, and all things therein respectively contained; and no penalty shall be incurred or shall be enforced for the breach of any such Rules and Regulations to be hereafter made, until the same shall have been so affixed and exhibited for one calender month in the public office of the Consul. Provided always that any such Rule or Regulation made by Her Majesty's Consul, and to be enforced by a penalty shall, before the first day on which the same shall be so affixed or exhibited, be transmitted to Her Majesty's Principal Secretary of State for Foreign Affairs for allowance or disallowance; and if any such Rule and Regulation shall be disallowed by Her Majesty's Principal Secretary of State for Foreign Affairs, the same shall cease to have effect from the receipt by the Consul of such disallowance; nevertheless, the Consul shall not be liable to be proceeded against in any of Her Majesty's Courts in regard to any Act done by him under such Rule and Regulation previously to the receipt of its disallowance by such Consul.

3. And it is further ordered, that it shall be lawful for Her Majesty's Consul as aforesaid upon information or upon the complaint of any person that a British subject has violated any of the stipulations of any Treaty or Convention or of any Regulations appended to any Treaty or Convention between Her Majesty and the Sultan of Muscat, or has disregarded, or infringed any of the Rules or Regulations for the observance of the stipulations of any such Treaty or Convention, affixed and exhibited according to the provisions of the next preceding Article of this Order, to summon before him the accused person, and to receive evidence and to examine witnesses on oath as to the guilt or innocence of such person in regard to the offence laid to his charge, and to award such penalty of fine or imprisonment against any person convicted of an offence against any such Treaty or Convention, or appended Regulations, or against the said Rules and Regulations, as may be specified therein respectively; and any charge against a British subject for a breach of any such Treaty or Convention, or appended Regulations, or for a breach of such Rules and Regulations for the observance of any such Treaty, shall be heard and determined by the Consul without Assessors: Provided always, that in no case shall the penalty to be incurred by a breach of such Rules and Regulations exceed 500 dollars or three calender months' imprisonment.

4. And it is further ordered, that any charge against a British subject for a breach of Rules and Regulations other than those relating to the observance of Treaties shall, in like manner, be heard and determined by Her Majesty's Consul; and in all cases in which the penalty shall not exceed 200 dollars, or one calender month's imprisonment, the Consul shall hear and determine the charge summarily without the aid of Assessors; but where a penalty attached to a breach of the Rules and Regulations other than those relating to the observance of Treaties shall amount to more than 200 dollars, or to imprisonment for more than one calender month, the Consul, before he shall proceed to hear the charge, shall summon two disinterested British subjects of good repute to sit with him as Assessors, which Assessors, however, shall have no authority to decide on the innocence or guilt of the person

charged, or on the amount of fine or imprisonment to be awarded to him on conviction, but it shall rest with the Consul to decide on the guilt or innocence of the person charged and on the amount of fine or imprisonment to be awarded to him: Provided always, that in no case shall the penalty to be attached to a breach of Rules and Regulations other than those for the observance of Treaties exceed 500 dollars, or three calender months' imprisonment; and provided further, that, in the event of the said Assessors, or either of them, dissenting from the conviction of the party charged, or from the penalty of fine or imprisonment awarded to him by the Consul, the Consul shall take a note of such dissent with the grounds thereof, and shall require good and sufficient security for the appearance of the person convicted at a future time, in order to undergo his sentence or receive his discharge; and in default of such security being given, it shall be lawful for the Consul to cause the person to be detained in custody until such security is given.

5. And it is further ordered, that if any person who shall have committed or been charged with any breach of, or offence against any such Treaty or Convention, or any such Rules and Regulations as aforesaid, shall escape or remove from the Consular District within which the fact was committed, and shall be found within another Consular District, it shall be lawful for the Consul, within which district such person shall be so found, to proceed against him in the same manner as if the fact had been committed within such district.

6. And it is further ordered, that all suits, disputes, differences, and causes of litigation of a civil nature, arising between British subjects within the dominions of the Sultan of Muscat, shall be heard and determined by Her Majesty's Consul, who shall be the sole judge and arbiter thereof respectively; subject nevertheless to an appeal against the decision of the Consul therein, to the High Court of Bombay, in cases where the sum or matter at issue is of the amount or value of 200 dollars or upwards: Provided always, that the party intending so to appeal against the decision of the said Consul shall, within fifteen days after the determination of the case by the Consul by himself, or his Agent, give to the Consul notice in writing of his appeal to the said High Court of Bombay; whereupon the Consul shall, as speedily as possible, transmit to the said High Court all the documents which were produced before him in the case, and none other, together with a statement of the evidence taken before him in the case and of the grounds on which his decision was formed, and shall forthwith notify to the several parties the transmission of the said proceedings to the said High Court: Provided also that it shall be lawful for the Consul to require from any person so appearing to the said High Court reasonable security to consist in part of one or two sufficient sureties to be approved by the Consul, that such person so applying will duly prosecute his appeal, and will abide by the decision to be given therein by the said High Court, and that in such case appeal shall fail, he will answer and satisfy all costs, loss, and damages sustained by the other party by reason of such appeal.

7. And it is further ordered that it shall be lawful for Her Majesty's Consul to summon not less than two, and not more than four, disinterested

British subjects of good repute to sit with him as Assessors at the hearing of any suit, dispute, difference, or cause of litigation whatever of a civil nature brought before him for decision, and in case the sum sought to be recovered shall exceed 500 dollars, such suit shall not be heard by the Consul without Assessors, if within a reasonable time such Assessors can be procured; but the Assessors aforesaid shall have no authority to decide on the merits of such suits, but in the event of such Assessors, or any of them dissenting from the decision of the Consul, the Consul shall enter the fact of such dissent and the grounds thereof in the minutes of the proceedings, and in case of appeal shall transmit the same to the High Court of Bombay, together with the documents relating to the suit.

8. And it is further ordered, that it shall be lawful for Her Majesty's Consul to enforce his decision in favour of, or against a British subject in a civil suit, dispute, difference, or cause of litigation by distress and sale or imprisonment, in like manner as a decision of the High Court of Bombay in a civil suit is enforced within the same.

9. And it is further ordered, that in case of an appeal to the High Court of Bombay from the decision of Her Majesty's Consul, it shall be lawful for the said High Court upon such terms as to costs and otherwise as it shall think proper to admit any further legal evidence, besides that adduced before the Consul on its being established to the satisfaction of the said High Court by oath or affidavit, that the party desiring to produce such further evidence was ignorant of the existence of such evidence, or was taken by surprise at the hearing before the Consul, or was unable to produce it before the Consul after due and reasonable diligence and exertion on his part, or where, under the circumstances of the case, it shall appear to the said High Court that further evidence ought to be received.

10. And it is further ordered, that Her Majesty's Consul shall have power in any civil suit, dispute, difference, or cause of litigation to examine on oath, or in such form and with such ceremonies as the witness may declare to be binding on his conscience any witness who may appear before him and shall have power, on the application of any party in such suit, to issue a compulsory order for the attendance of any person being a British subject who may be competent to give evidence in such suit; and any British subject who shall have been duly served with any such compulsory order, and with a reasonable notice of the day of hearing of such suit, and upon his expenses of appearing as a witness having been paid, or tendered to him by the party at whose application he shall have been ordered to attend shall, on his wilful default to appear as a witness at the hearing of such suit, be punished with a fine not exceeding 100 dollars, or with imprisonment for a period not exceeding thirty days at the discretion of the said Consul.

11. Every witnesses, being a British subject, so examined on oath, whether before the Consul, or before a Kadi, or other officer of the Muscat Government duly authorized to act judicially, who shall in any such examination give wilfully false testimony, may be convicted of and punished for the crime of wilful and corrupt perjury.

12. And it is further ordered, that it shall be lawful for Her Majesty's Consul to promote the settlement of any civil suit, dispute, difference, or cause of litigation by amicable agreement between the parties, and, with the consent of the several parties, to refer the decision of a suit or contention to one or more Arbitrators, and to take security from the parties that they will be bound by the result of such arbitration, and the award of such Arbitrator or Arbitrators shall be, to all intents and purposes, deemed and taken to be a judgment or sentence of Her Majesty's Consul in such civil suit, dispute, difference, or cause of litigation, and shall be entered and recorded as such, and shall have the like effect and operation, and shall be enforced accordingly, and shall be final and conclusive to all intents and purposes, and shall not be open to appeal, unless the same shall, within a reasonable time, have been ordered by the Consul to be set aside, on the ground that it is not final, or is defective, or that the Arbitrator or Arbitrators have exceeded their authority, or have been guilty of misconduct in the matter.

13. And it is further ordered, that it shall be lawful for Her Majesty's Consul to cause to be apprehended and brought before him any British subject who may be charged with having committed any crime or offence within the dominions of the Sultan of Muscat, and such Consul shall thereupon proceed with all convenient speed to inquire of the same, and for such purpose shall have power to examine on oath, or in such form and with such ceremony as the witness shall declare to be binding on his conscience any witness who may appear before him to prove the charge; and also shall have power to compel any person being a British subject, who may be competent to give evidence as to the guilt or innocence of the party so charged to appear and give evidence, and to punish the wilful default of any such person to appear and give evidence, after reasonable notice of the day of the hearing of such charge, by fine or imprisonment in like manner as is provided in Article 10 of this Order, and shall examine every such witness in the presence and hearing of the party accused, and shall afford the party accused all reasonable facility for cross-examining such witness, and shall cause the deposition of every such witness to be reduced to writing, and the same to be read over, and, if necessary, explained to the party accused, together with any other evidence that may have been urged against him during the course of the inquiry, and shall require such accused party to defend himself against the charge brought against him, and, if necessary, advise him of the legal effect of any voluntary confession, and shall take the evidence of any witness whom the accused party may tender to be examined in his defence; and every witness being a British subject so examined as aforesaid, who shall upon any such occasion give wilfully false testimony, may be convicted of and punished for the crime of wilful and corrupt perjury; and when the case has been fully inquired into, and the innocence or guilt of the person accused has been established to the satisfaction of the Consul, the Consul, as the case may be, shall either discharge the party accused from custody if satisfied of his innocence, or proceed to pass sentence on him if satisfied of his guilt; and it shall be lawful for the Consul having inquired of, tried, and determined, in the manner aforesaid any charge which may be brought before him, to award for the

party convicted any amount of punishment not exceeding imprisonment for one calender month, or a fine of 200 dollars.

14. And it is further ordered, that if the crime or offence whereof any person being a British subject may be accused before Her Majesty's Consul as aforesaid shall appear to such Consul to be of such a nature as, if proved, would not be adequately punished by the infliction of such punishment as aforesaid, it shall be lawful for such Consul to summon not less than two, or not more than four disinterested British subjects of good repute to sit with him as Assessors for inquiring of, trying, and determining the charges against such person; and the Consul when he shall try any such charge with the assistance of Assessors as aforesaid shall, if he is himself convinced of the guilt of the party accused, have power to award any amount of punishment not exceeding imprisonment for twelve calender months, or a fine of 1,000 dollars; and the Assessors aforesaid shall have no authority to decide on the innocence or guilt of the party accused, or on the amount of punishment to be awarded to him on conviction, but in the event of the said Assessors, or any of them dissenting from the conviction of, or from the amount of punishment awarded to the accused party, the Assessors or Assessor so dissenting shall be authorized to record in the minutes of the proceedings the grounds on which they are he may so dissent, and the Consul shall forthwith report to the High Court at Bombay the fact of such dissent, and of its having been so recorded in the minutes of the proceedings, and shall, as soon as possible, lay before the said Court copies of the whole of the depositions and proceedings with the dissent of the Assessor or Assessors recorded therein, and it shall be lawful thereupon for the Court, by warrant under seal addressed to the Consul, to confirm or vary, or remit altogether, as to the Court may seem fit, the sentence and punishment awarded to the party accused, and such Consul shall give immediate effect to the injunction of any such warrant: Provided always, that in any case in which the Assessor or Assessors shall dissent from the conviction of, or from the amount of punishment awarded to the accused party, it shall be lawful for Her Majesty's Consul to take good and sufficient bail from the accused party to appear and undergo the punishment awarded to him, provided the same or any portion thereof be confirmed by the Court, which punishment so confirmed shall commence and take effect from the day on which the decision of the Court shall be notified to the party accused.

15. And in order more effectually to repress crimes and offences on the part of British subjects within the dominion of the Sultan of Muscat, it is further ordered, that it shall and may be lawful for Her Majesty's Consul to cause any British subject, who shall have been twice convicted before him of any crime or offence and punished for the same, and who, after execution of the sentence of the Consul, on any second conviction shall not be able to find good and sufficient security to the satisfaction of the Consul for his future good behaviour, or, who having been deported under any sentence shall during such sentence return, to be sent out of the dominions of the Sultan of Muscat; and to this end the Consul shall have power and authority, as soon as may be practicable after execution of the sentence on such second

conviction, to send any such twice convicted party or any person so returning as aforesaid to Bombay, and in the meantime to detain such party in custody until a suitable opportunity for sending him out of the dominions of the Sultan of Muscat shall present itself; and any person so to be sent out of the said dominions as aforesaid, shall be embarked in custody on board of one of Her Majesty's vessels of war, or if there shall be no such vessel available for such purpose, then on board any British vessel bound to Bombay; and it shall be lawful for the Commander of any of Her Majesty's ships of war, or of any British vessel bound to Bombay, to receive any such person as aforesaid under a warrant from the Consul to him addressed, and thereupon to convey such person in custody to Bombay as aforesaid, in the same manner as if he were a distressed British subject, unless he shall be willing and able himself to defray the expenses of his passage.

16. And it is further ordered, that in any case in which any British subject shall be accused before Her Majesty's Consul of the crime of arson or house-breaking, or cutting and maiming, or stabbing or wounding, or of any assault endangering life, or of wilfully causing any bodily injury dangerous to life, or of wilful or corrupt perjury, or of engaging in or being accessory to the purchase or sale of slaves or of having slaves illegally in his possession, the proceedings before the Consul shall be carried on with the aid of Assessors convened in the manner aforesaid; and it shall be lawful for the Consul, if to him it shall seem fit to cause any person convicted before him of any of the crimes aforesaid, over and above any fine or imprisonment which may be awarded to such person, to be sent out of the dominions of the Sultan of Muscat for such time as to him shall seem meet, in the manner pointed out in the next preceding Article of this Order, notwithstanding the crime laid to the large of such person may be the first, of which he has been convicted before the Consul.

17. And it is further ordered, that it shall be lawful for Her Majesty's Consul, within the dominions of the Sultan of Muscat, upon information laid before him by one or more credible witnesses, that there is reasonable ground to apprehend that any British subject is about to commit a breach of the public peace, to cause such British subject to be brought before him, and to require such British subject to give sufficient security to keep the peace, and, in the event of any British subject being convicted of and punished for a breach of the peace, to cause such British subject, after he shall have undergone the punishment which may have been awarded to him by the Consul to find security for his good behaviour; and in the event of any British subject who may be required as aforesaid to give sufficient security to keep the peace, or to find security for the good behaviour being unable or wilfully omitting to do so, then and in any such case it shall be lawful for Her Majesty's Consul to send such British subject out of the dominions of the Sultan of Muscat in the manner pointed out in Article 15 of this Order.

18. And it is further ordered, that in all cases in which a British subject shall have been sent out of the dominions of the Sultan of Muscat, as provided in the three next preceding Articles of this Order, the Consul

sending him out shall forthwith report such act of deportation, with the grounds of his decision thereon to the High Court of Bombay.

19. And it is further ordered, that it shall be lawful for Her Majesty's Consul to cause to be apprehended and brought before him any British subject, who may be charged with smuggling or importing into the dominions of the said Sultan any goods whereon any duty shall be charged or payable to the said Sultan, with the intent to evade the payment of such duty, or any goods the importation whereof shall be prohibited; and such Consul shall thereupon proceed with all convenient speed to inquire into the same on oath or solemn affirmation, and to hear the witnesses on both sides with like powers and in like manner in all respects as is provided by Article 10 of this Order. And it shall be lawful for the Consul, having inquired into and heard the said charge, to determine the same, and if he shall find the party guilty, if the charge against him shall be of importance into the said dominions prohibited goods, then to award him to pay a fine not exceeding treble the value of the said goods at the current price of the day; and if the charge shall be of smuggling or importing goods with intent to evade the payment of duty as aforesaid, then to award him to pay a fine not exceeding treble the amount of the duties leviable thereon, and in case of non-payment of any such fine or fines to award him to be imprisoned for a period not exceeding three months, or it shall be lawful for such Consul, without awarding the payment of any fine, to award that such party shall be imprisoned for a period not exceeding six months in such place as he shall appoint: Provided always that no British subject charged only with importing prohibited goods shall be apprehended, unless and until he shall have had one week's notice to appear and answer the charge, and shall have refused, failed, or omitted so to appear.

20. And it is further ordered, that in case of common assault, it shall be lawful for the Consul before whom the complaint is made to promote reconciliation between the parties, and to suffer compensation and amends to be made, and the proceedings thereby to be finally stayed.

21. And it is further ordered, that a minute of the proceedings in every case heard and determined before the Consul, in pursuance of this order, shall be carefully drawn up and be signed by the Consul, and shall, in cases where the Assessors are present, be open for the inspection of such Assessors and for their signature if they therein shall concur; and every such minute together with the depositions of the witnesses, shall be preserved in the public office of the said Consul.

22. And it is further ordered, that save and except as regards offences committed by British subjects against the stipulations of any Treaty between Her Majesty and the Sultan of Muscat, or against any Rules or Regulations for the observance of the stipulations of any such Treaty or Convention, duly affixed and exhibited according to the provision of Article 2 of this Order, or against any Rules and Regulations for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Sultan of Muscat, no act done by a British subject within the dominions of the said Sultan shall, by Her Majesty's Consul, be deemed and taken to be a crime of misdemeanour or offence rendering the person committing it amen-

able to punishment, which, if done within any part of Her Majesty's dominions, would not by a Court of Justice having criminal jurisdiction in Her Majesty's dominions have been deemed and taken to be a crime of misdemeanour or offence rendering the person committing it amenable to punishment, and Her Majesty is pleased to appoint, by and with the advice of Her Privy Council, Her Majesty's territory of Bombay as the place where crimes and offences committed by British subjects within the dominions of the Sultan of Muscat, which it may be expedient shall be inquired of, tried, determined, and punished within Her Majesty's dominions, shall be so inquired of, tried, determined and punished, and Her Majesty's Consul, resident in Muscat, shall have authority to cause any British subject charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to him, to be sent for trial at Her Majesty's said territory of Bombay.

23. And it is further ordered, that it shall be lawful for Her Majesty's Consul to cause any British subject charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to him, to be sent in any of Her Majesty's ships of war, or in any British vessel, to Her Majesty's territory of Bombay, the trial before the High Court of the said territory, and it shall be lawful for the Commander of any of Her Majesty's ships of war, or of any British vessel, to receive any such person on board with a warrant from the said Consul addressed to the Chief Magistrate of Police of the said territory, and thereupon to keep and detain in lawful custody and to convey him in custody to Bombay, and on his arrival there to deliver him, with the said warrant into the custody of the said Chief Magistrate of Police, or other officer within the said territory lawfully acting as such, who, on receipt of the said warrant, and of the party therein named, shall be authorized to commit, and shall commit such party so sent for trial to the common gaol of the said territory, and it shall be lawful for the keeper of the said common gaol to cause such party to be detained in safe and proper custody, and to be produced upon the Order of the said High Court, and the High Court at the Sessions to be holden next after such committal, shall proceed to hear and determine the charge against such party, and to punish him for the same, if found guilty, in the same manner as if the crime with which he may be charged has been committed within Her Majesty's said territory of Bombay.

24. And it is further ordered, that Her Majesty's Consul on any occasion of sending a prisoner to Bombay for trial, shall observe the provisions made with regard to prisoners sent for trial to a British Colony in an Act passed in the sixth and seventh years of Her Majesty's reign, intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual.

25. And it is further ordered, that the High Court of Bombay shall have and may exercise concurrently with Her Majesty's Consul authority and jurisdiction in regard to all suits of a civil nature between British subjects arising within any part of the dominions of the Sultan of Muscat: Pro-

vided always, that the said High Court shall not be bound, unless in a fit case it shall deem it right so to do by writ of certiorari or otherwise, to debar or prohibit the Consul from hearing and determining, pursuant to the provisions of the several Articles of this Order, any suit of a civil nature between British subjects, or to stay the proceedings of the Consul in any such matter.

26. And it is further ordered, that all fines and penalties imposed under this order may be levied by distress and seizure and sale of ships, and of goods and chattels; and no bill of sale, mortgage, or transfer of property made by a party accused after his apprehension, or with a view to securing such party against any crime of offence committed or to be committed by him, or against the consequences thereof shall avail to defeat any of the provisions of this Order.

27. And it is further ordered, that it shall be lawful for Her Majesty's Consul from time to time to establish Rules of practice to be observed in proceedings before him, and to make Regulations for defraying the expenses of witnesses in such proceedings, and the cost of criminal prosecutions and also to establish rates and scales of fees to be taken in regard to civil suits heard and determined before the said Consul; and it shall be lawful for the said Consul to enforce by seizure and sale of goods, or, if there be no sufficient goods, by imprisonment, the payment of such established fees, and of such costs or expenses as may be adjudged against the parties or any of them: Provided always that a table specifying the rates of fees to be so taken shall be affixed, and kept exhibited in the public office of the said Consul.

28. And it is further ordered, that all fees, penalties, fines and forfeitures levied under this Order, save and except such penalties as may by Treaty be payable to the Sultan of Muscat, shall be paid to the public account, and shall be applied in diminution of the public expenditure on account of Her Majesty's Consulate in Muscat: Provided always, that in the event of any of the Muscat authorities declining to receive fines payable to the Government of Muscat as aforesaid, the same shall also be paid to the public account, and applied in the manner last mentioned.

29. And it is further ordered, that Her Majesty's Consul within the dominions of the Sultan of Muscat shall, for and within the said dominions, and for vessels and persons coming within those dominions, and in regard to vessels captured on suspicion of being engaged in the slave trade within those dominions, have all such jurisdiction as for the time being ordinarily belongs to Courts of Vice-Admiralty in Her Majesty's possessions abroad. And it is further ordered, that it shall be lawful for Her Majesty's Consul to grant probate of will or letters of administration to the intestate estate of any British subject or any native of a State or place under British protection, who shall die and leave property within the dominions of the Sultan of Muscat; and if such probate or letters of administration shall not be applied for within thirty days after the death of the deceased person, it shall be lawful for the Consul to administer to the estate of such person, and for so doing to reserve to himself out of the proceeds of such estate, a commission not exceeding two and a half per cent. on the account thereof.

30. And it is further ordered, that a Register shall be kept by Her Majesty's Consul of all British subjects, and of all natives of British protected States in India who may claim British protection, residing within the dominions of the Sultan of Muscat; and that every British subject now residing within such dominions, who shall not have been already enrolled in such Consular Register shall, within a reasonable time after the promulgation of this Order, such time to be specified in a notice affixed and publicly exhibited in the Consular Office, apply to the Consul to be enrolled in such Register; and every British subject who may arrive within the said dominions (except British subjects borne on the muster-roll of any British ship arriving in any port of Muscat) shall, within a reasonable time after his arrival—such time to be specified as aforesaid, also apply to the Consul to be enrolled in such Register; and any British subject who shall refuse or neglect to comply to be so enrolled as hereinbefore mentioned, and who shall not excuse such refusal or neglect to the satisfaction of the Consul, shall not be entitled to be recognized or protected as a British subject in respect to any suit, dispute, or difficulty in which he may have been, or may be engaged or involved within the dominions of the Sultan of Muscat, at any time when he shall not have been or shall not be so enrolled.

31. And it is further ordered, that Her Majesty's Consul shall and may exercise all or any of the powers which, by any Act or Acts of the Imperial Parliament for the Regulation of merchant seamen, or for the Regulation of the mercantile marine, may now, or at any time hereafter, be exercised by any Justice or Justices of the Peace within Her Majesty's dominions.

32. And it is further ordered, that nothing in this Order contained shall be deemed or construed to prevent Her Majesty's Consul, within the dominions of the Sultan of Muscat, from doing or performing any Act whatsoever which British Consuls within any other State in amity with Her Majesty are by law, usage, or sufferance entitled or enabled to do or perform.

33. And it is further ordered that every action or suit brought against Her Majesty's Consul by reason of any thing done under the authority of this Order, shall be commenced within six calender months next after the doing thereof and not otherwise; and the defendant in every such action or suit shall be entitled to the benefit of the provisions made with respect to defendants in actions or suits in the said hereinbefore recited Act of the sixth and seventh years of Her Majesty's reign.

34. And it is further ordered, that the word "Consul" in this Order shall include every person duly authorized to act in the aforesaid capacity within the dominions of the Sultan of Muscat; and that in the construction of this Order words importing the singular number shall, if necessary, be understood to include several persons, matters, or things; and words importing the masculine gender only shall, if necessary, be understood to import the feminine gender, unless there be something in the subject or context repugnant to such construction.

35. And it is further ordered, that the provisions of this Order, relating to British subjects, shall extend and apply to all subjects of Her Majesty

whether by birth or by naturalization, and also to all persons enjoying Her Majesty's protection in the dominions of the Sultan of Muscat. And it is further ordered, that this Order shall take effect on and after the first day of December next.

36. And the Right Hon'ble Lord Stanley and the Right Hon'ble Sir Stafford Northcote, Bart., two of Her Majesty's Principal Secretaries of State and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

(Sd.) ARTHUR HELPS.

SOHAR.

APPENDIX No. VII.—*Page* 84.

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16 *and* 17 *Vic., Cap. XVI.*

An Act for carrying into effect the Engagement between HER MAJESTY and SYED SYF BIN HAMOOD, the CHIEF of SOHAR, in ARABIA, for the more EFFECTUAL SUPPRESSION of the SLAVE TRADE, dated 9th May 1853.]

Whereas on the twenty-second day of May, in the year of our Lord one thousand eight hundred and forty-nine, an engagement was concluded between Major Hennell, the Resident in the Persian Gulf, on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Syed Syf Bin Hamood, Chief of Sohar, in Arabia, whereby it was agreed as follows:—

"I, Syed Syf Bin Hamood, Chief of Sohar, with a view to strengthen the bonds of friendship existing between me and the British Government, do hereby engage to prohibit the exportation of slaves from the coasts of Africa and elsewhere on board of my vessels and those belonging to my subjects or dependants; such prohibition to take effect from the twenty-ninth Rujjub one thousand two hundred and sixty-five, or the twenty-first day of June A.D. one thousand eight hundred and forty-nine.

"And I do further consent, that whenever the cruizers of the British Government fall in with any of my vessels, or those belonging to my subjects or dependants, suspected of being engaged in the slave-trade, they may detain and search them, and in case of their finding that any of the vessels aforesaid have violated this engagement, by the exportation of slaves from the coasts of Africa or elsewhere, upon any pretext whatever, they (the government cruizers) shall seize and confiscate the same."

And whereas it is expedient that effectual provision should be made for carrying into execution the provisions of the said agreement, be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same—

I.—That it shall be lawful for the Commanders and other officers of Her Majesty's ships of war, or of the East India Company, to visit and detain, in any seas, any vessel belonging to Syed Syf Bin Hamood, the Chief of Sohar, in Arabia, or to any of his subject or dependants, which shall upon reasonable grounds be suspected of being engaged in the traffic in slaves, or having been fitted out for that purpose, and to send or carry away such vessel, together with its master, sailors, passengers, slaves and cargo, for the purpose of such vessel being brought to adjudication as hereinafter mentioned.

Power for Commanders of ships of war, &c., to visit, &c., vessels belonging to the Chief of Sohar, or of his subjects, suspected of being engaged in the slave-trade.

II.—It shall be lawful for the High Court of Admiralty of England, and for all Courts of Vice-Admiralty in any dominions of Her Majesty beyond the seas, including those Courts of Vice-Admiralty within the territories under the Government of the East India Company, to take cognizance of and try any such vessel which shall be detained or captured for the violation of the said agreement, and to condemn any such vessel to Her Majesty, and adjudge as to the slaves found therein, in like manner, and under such and the like rules and regulations as are contained in any Act or Acts of Parliament in force in relation to the suppression of the slave-trade by British owned ships, as fully as if all the powers and provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice-Admiralty.

As to the trial and condemnation of vessels engaged in the slave-trade.

III.—Every person who shall wilfully and corruptly give false evidence in any examination or deposition had or affidavit taken in any proceeding under the said engagement or this Act shall be deemed guilty of perjury, and being thereof convicted shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury, either in the place where the offence was committed, or in any colony or settlement of Her Majesty near thereto in which there is a Court of competent jurisdiction to try any such offence, or in Her Majesty's Court of Queen's Bench in England, and that in case of any prosecution for such offence in Her Majesty's said Court of Queen's Bench, the venue may be laid in the County of Middlesex.

Persons giving false evidence deemed guilty of perjury.

In case of prosecution in England, venue may be laid in Middlesex.

IV.—The pendency of any suit or proceeding instituted for the condemnation or restitution of any ship or cargo, or slaves, taken, seized, or detained by virtue of the said agreement, or the final adjudication, condemnation, or judgment or determination thereupon, may be pleaded in bar or given in evidence under the general issue, and shall be deemed in any Court whatever to be a complete bar in any action, suit, or proceeding, whether instituted by any person or persons for the recovery of any such ship, vessel, or cargo, or of any damage or for any injury sustained thereby, or by the persons on board the same, in consequence of any capture, seizure, or detention, or any thing done under, or in pursuance of, the provisions of the said agreement.

Pendency of suits to be a bar to any proceedings instituted for the recovery of the vessels detained.

V.—Any ship or vessel which shall be condemned as aforesaid may be taken into Her Majesty's service, upon payment of such sum as the Lord High Admiral, or the Lords Commissioners of the Admiralty, shall deem a proper price for the same, or if not so taken, shall be broken up and demolished, and the materials thereof shall be publicly sold in separate parts, and the proceeds thereof shall be paid to such person or persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Vessels condemned to be sold for Her Majesty's service or broken up.

VI.—Where any ship or vessel employed or engaged in such illicit traffic in slaves, in violation of the said agreement, shall be seized by any ship or vessel belonging to Her Majesty or the East India Company and afterwards condemned, there shall be paid to the captors the net proceeds to which Her Majesty is entitled, the same to be distributed in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessels.

Captors of vessels shall, after the same are condemned, be entitled to the proceeds belonging to Her Majesty.

VII.—There shall be paid to the Commanders, Officers, and crews of Her Majesty's ships, or the Commanders, Officers, and crews of the ships of the East India Company, a bounty of five pounds for every man, woman, and child slave seized and found on board any ship or vessel taken and condemned in pursuance of the provisions of the said agreement and of this Act; such bounty to be issued and paid by order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the captors aforesaid in such manner and proportions as Her Majesty shall think fit to order by any Order in Council made or to be made, or by any proclamation for that purpose.

Payment of bounty for slaves captured.

VIII.—Where any ship or vessel which shall have been seized and condemned under the provisions of the said agreement shall have been or shall be demolished, and the materials thereof publicly sold in separate parts, as well as her cargo, there shall be paid to the Commanders, Officers, and crews of Her Majesty's ships, or of those of the East India Company, in addition to the amount of the proceeds of such sale as hereinbefore mentioned, a further bounty on the tonnage of such ship or vessel at the rate of thirty shillings for every ton of such tonnage.

Additional bounty on tonnage of slave ships captured and demolished.

IX.—Where any ship or vessel having no slaves on board shall have been seized and condemned under the provisions of the said agreement, there shall be paid to the Commanders, Officers, and crews of Her Majesty's ships, or those of the East India Company, an additional bounty upon the tonnage of such ship or vessel at the rate of four pounds for every ton; and the tonnage of all such vessels shall be ascertained according to the mode of ascertaining the admeasurement of British vessels, either by the principal Officer of the Customs at the port where the vessel may be at the time of condemnation, or, in default thereof, by the best evidence which can be obtained; provided always, that in every case in which any ship or vessel shall be seized with slaves on board, in which the bounty calculated upon the number of slaves shall be less than the bounty calculated upon the tonnage, the Commanders of Her Majesty's ships, or of those of the East India Company, making the seizure, may elect to take the bounty calculated according to tonnage, instead of the bounty which would be payable upon the number of slaves on board.

Where no slaves are on board a ship seized and condemned, an additional bounty on tonnage to be paid.

X.—All bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the Commanders, Officers, and crews of Her Majesty's ships, and of the ships of the East India Company, and such bounties shall be issued and paid by order from the Commissioners of Her Majesty's Treasury.

Bounties to be paid out of the Consolidated Fund.

XI.—In order to entitle the captors to receive the said bounty money, the tonnage of the ship or vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a copy, duly certified, of the sentence or decree of condemnation, or by such documentary or other evidence as they may deem satisfactory.

Proof of tonnage.

XII.—In order to entitle the captors to receive the said bounty money on slaves, the number of men, women, and children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a copy, duly certified, of the sentence or decree of condemnation, and also a certificate under the hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such slaves.

Copy of sentence of condemnation to be produced to the Treasury.

XIII.—Where any slaves, or persons treated as slaves, shall be seized on board any ship or vessel taken and condemned in pursuance of the said agreement and of this Act, but who shall not have been delivered over in consequence of death, sickness, or other inevitable circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment of one moiety of the bounty which would have been due in each case respectively if the said slaves had been delivered over.

One moiety of the bounty only to be paid in certain cases.

XIV.—Any party or parties claiming any benefit by way of bounty under the provisions of this Act, or of any share of the proceeds of any vessel confiscated in pursuance of the provisions of the aforesaid agreement, may resort to the High Court of Admiralty for the purpose of obtaining the judgment of the said Court in that behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any question of joint capture which may arise upon any seizure made in pursuance of this Act, and also to enforce any decrees or sentences of the said Vice-Admiralty Courts relating to any such seizure.

Parties claiming benefit under this Act may resort to the Court of Admiralty.

XV.—All the provisions, rules, regulations, forfeitures, and penalties respecting the delivery by Prize Agents of accounts for examination, and the distribution of prize money, and the accounting for and paying over the proceeds of prize and the percentage due thereon to Greenwich Hospital, shall be extended to all bounties and proceeds to be distributed under the provisions of this Act to the Officers and crews of any of Her Majesty's ships and vessels of war.

Regulations and penalties respecting Prize Agents' accounts extended to bounties, &c., under this Act.

Treasury may order payment of costs awarded for vessels detained, but not condemned.

XVI.—Where any ship or vessel belonging in whole or in part to the before-mentioned Chief or his subjects or dependants shall have been detained and brought to adjudication by any Officers of Her Majesty the Queen of Great Britain and Ireland, or of those of the East India Company, and the said ship shall be restored by sentence of the Court, it shall be lawful for the Commissioners of Her Majesty's Treasury, by warrant, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of any costs or damages which may be duly awarded: provided always, that nothing herein contained shall exempt such Officer from his liability to make good the payments so made when lawfully called upon either by the parties interested therein or by order of the said Commissioners of Her Majesty's Treasury.

Treasury may repay to the seizor of any vessel not condemned the expenses incurred by him.

XVII.—When any seizure shall be made by any of the Commanders, Officers, and crews of Her Majesty's ships, or of those of the East India Company, and judgment shall be given against the seizor, or when such seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, by warrant, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, of such costs and expenses as the seizure may have incurred in respect of such seizure, or any proportional thereof.

ZANZIBAR.

APPENDIX No. VIII.—*Page* 195.

At the Court at Osborne House, Isle of Wight, the 9th day of August 1866.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by an Act of Parliament made and passed in the session of Parliament, holden in the 6th and 7th years of Her Majesty's reign, intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual," it is, amongst other things, enacted that it is and shall be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty now hath, or may at any time hereafter have, within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory:

And whereas Her Majesty hath power and jurisdiction in the dominions of His Highness the Sultan of Zanzibar and its dependencies;

And whereas it is expedient to make provision for the due and effectual exercise of such power and jurisdiction:

1. Now, therefore, in pursuance and by virtue of the said recited Act of Parliament, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, that Her Majesty's Consuls appointed to reside in the dominions of the Sultan of Zanzibar shall have full power and authority to carry into effect, and to enforce by the means and in the manner hereinafter mentioned, and provided, the observance of the stipulations of any Treaty or Convention or of any regulations appended to any Treaty or Convention, now existing, or which may hereafter be made between Her Majesty, her heirs and successors, and the Sultan of Zanzibar, his heirs and successors; and to make and to enforce, by fine or imprisonment, or both, rules and regulations for the observance of the stipulations of any such Treaty or Convention, and for the peace, order, and good government of Her Majesty's subjects, being within the dominions of the Sultan of Zanzibar, his heirs and successors.

2. And it is further ordered, that a copy of all such rules and regulations made by the said Consul shall forthwith be affixed, and kept affixed and exhibited in some conspicuous place in the public office of the said Consul, and that printed copies of the said rules and regulations shall, as soon as possible, be provided by the said Consul and sold at a price not exceeding one dollar for each copy; and for the purpose of convicting any person offending against the said rules and regulations, and for all other purposes of law whatsoever, a printed copy of the said rules and regulations certified

under the hand of the said Consul to be a true copy thereof, shall be taken as conclusive evidence of such rules and regulations and all things therein respectively contained, and no penalty shall be incurred or shall be enforced for the breach of any such rules and regulations to be hereafter made, until the same shall have been so affixed and exhibited for one calendar month in the public office of the Consul: Provided always, that any such rule or regulation made by Her Majesty's Consul, and to be enforced by a penalty, shall, before the first day on which the same shall be so affixed or exhibited, be transmitted to Her Majesty's Principal Secretary of State for Foreign Affairs for allowance or disallowance; and if any such rule or regulation shall be disallowed by Her Majesty's Principal Secretary of State for Foreign Affairs, the same shall cease to have effect from the receipt by the Consul of such disallowance, nevertheless, the Consul shall not be liable to be proceeded against in any of Her Majesty's Courts in regard to any act done by him under such rule or regulation previously to the receipt of its disallowance by such Consul.

3. And it is further ordered, that it shall be lawful for Her Majesty's Consul as aforesaid, upon information or upon the complaint of any person that a British subject has violated any of the stipulations of any Treaty or Convention, or of any regulations appended to any Treaty or Convention, between Her Majesty and the Sultan of Zanzibar, or has disregarded or infringed any of the rules or regulations for the observance of the stipulations of any such Treaty or Convention affixed and exhibited according to the provisions of the next preceding article of this Order, to summon before him the accused person and to receive evidence and to examine witnesses on oath, as to the guilt or innocence of such person in regard to the offence laid to his charge, and to award such penalty of fine or imprisonment against any person convicted of an offence against any such Treaty or Convention or appended regulations, or against the said rules and regulations, as may be specified therein respectively; and any charge against a British subject for a breach of any such Treaty or Convention, or appended regulations, or for a breach of such rules and regulations for the observance of any such Treaty, shall be heard and determined by the Consul without assessors: Provided always, that in no case shall the penalty to be incurred by a breach of such rules and regulations exceed 500 dollars or 3 calendar months' imprisonment.

4. And it is further ordered, that any charge against a British subject for a breach of rules and regulations other than those relating to the observance of Treaties shall, in like manner, be heard and determined by Her Majesty's Consul; and in all cases in which the penalty shall not exceed 200 dollars, or one calendar month's imprisonment, the Consul shall hear and determine the charges summarily without the aid of assessors; but where a penalty attached to a breach of the rules and regulations other than those relating to the observance of Treaties shall amount to more than 200 dollars, or to imprisonment for more than one calendar month, the Consul, before he shall proceed to hear the charge, shall summon two disinterested British subjects of good repute to sit with him as assessors, which assessors, however, shall have

no authority to decide on the innocence or guilt of the person charged, or on the amount of fine and imprisonment to be awarded to him on conviction, but it shall rest with the Consul to decide on the guilt or innocence of the person charged, and on the amount of fine or imprisonment to be awarded to him: Provided always, that in no case shall the penalty to be attached to a breach of rules and regulations other than those for the observance of Treaties exceed 500 dollars, or 3 calendar months' imprisonment; and provided further, that in the event of the said assessors, or either of them, dissenting from the conviction of the party charged, or from the penalty of fine or imprisonment awarded to him by the Consul, the Consul shall take a note of such dissent, with the grounds thereof, and shall require good and sufficient security for the appearance of the person convicted at a future time, in order to undergo his sentence or receive his discharge; and in default of such security being given, it shall be lawful for the Consul to cause the person to be detained in custody until such security is given.

5. And it is further ordered, that if any person who shall have committed or been charged with any breach of or offence against any such Treaty or Convention, or any such rules and regulations as aforesaid, shall escape or remove from the Consular district within which the fact was committed, and shall be found within another Consular district, it shall be lawful for the Consul, within which district such person shall be so found, to proceed against him in the same manner as if the fact had been committed within such district.

6. And it is further ordered, that all suits, disputes, differences, and causes of litigation of a civil nature arising between British subjects within the dominions of the Sultan of Zanzibar, shall be heard and determined by Her Majesty's Consul, who shall be the sole judge and arbiter thereof respectively; subject nevertheless to an appeal against the decision of the Consul therein to the High Court of Bombay, in cases where the sum or matter at issue is of the amount or value of 200 dollars or upwards: Provided always, that the party intending so to appeal against the decision of the said Consul shall, within 15 days after the determination of the case by the Consul, by himself or his agent, give to the Consul notice in writing of his appeal to the said High Court of Bombay; whereupon the Consul shall, as speedily as possible, transmit to the said High Court all the documents which were produced before him in the case, and none other, together with a statement of the evidence taken before him in the case and of the grounds on which his decision was formed and shall forthwith notify to the several parties the transmission of the said proceedings to the said High Court: Provided also, that it shall be lawful for the Consul to require from any person so appealing to the said High Court reasonable security, to consist in part of one or two sufficient sureties, to be approved by the Consul, that such person so applying will duly prosecute his appeal, and will abide by the decision to be given therein by the said High Court, and that in case such appeal shall fail, he will answer and satisfy all costs, loss, and damages sustained by the other party by reason of such appeal.

7. And it is further ordered, that it shall be lawful for Her Majesty's Consul to summon not less than two and not more than four disinterested British

subjects of good repute to sit with him as assessors at the hearing of any suit, dispute, difference, or cause of litigation whatever of a civil nature brought before him for decision; and in case the sum sought to be recovered shall exceed 500 dollars such suit shall not be heard by the Consul without assessors, if within a reasonable time such assessors can be procured; but the assessors aforesaid shall have no authority to decide on the merits of such suit; but in the event of such assessors, or any of them, dissenting from the decision of the Consul, the Consul shall enter the fact of such dissent and the grounds thereof in the minutes of the proceedings, and in case of appeal shall transmit the same to the High Court of Bombay, together with the documents relating to the suit.

8. And it is further ordered, that it shall be lawful for Her Majesty's Consul to enforce his decision in favour of or against a British subject in a civil suit, dispute, difference, or cause of litigation, by distress and sale, or imprisonment, in like manner as a decision of the High Court of Bombay in a civil suit is enforced within the same.

9. And it is further ordered, that in case of an appeal to the High Court of Bombay from the decision of Her Majesty's Consul, it shall be lawful for the said High Court, upon such terms as to costs and otherwise as it shall think proper, to admit any further legal evidence besides that adduced before the Consul, on its being established to the satisfaction of the said High Court, by oath or affidavit, that the party desiring to produce such further evidence, was ignorant of the existence of such evidence, or was taken by surprise at the hearing before the Consul, or was unable to produce it before the Consul after due and reasonable diligence and exertion on his part, or where, under the circumstances of the case, it shall appear to the said High Court that further evidence ought to be received.

10. And it is further ordered, that Her Majesty's Consul shall have power in any civil suit, dispute, difference, or cause of litigation, to examine on oath, or in such form and with such ceremonies as the witness may declare to be binding on his conscience, any witness who may appear before him, and shall have power, on the application of any party in such suit, to issue a compulsory order for the attendance of any person being a British subject who may be competent to give evidence in such suit; and any British subject who shall have been duly served with any such compulsory order, and with a reasonable notice of the day of hearing such suit, and upon his expenses of appearing as a witness having been paid or tendered to him by the party at whose application he shall have been ordered to attend, shall, on his wilful default to appear as a witness at the hearing of such suit, be punished with a fine not exceeding 100 dollars, or with imprisonment for a period not exceeding 30 days, at the discretion of said Consul.

11. Every witness, being a British subject, so examined on oath, whether before the Consul or before a Kadi or other officer of the Zanzibar Government, duly authorized to act judicially, who shall in any such examination give wilfully false testimony may be convicted of and punished for the crime of wilful and corrupt perjury.

12. And it is further ordered, that it shall be lawful for Her Majesty's Consul to promote the settlement of any civil suit, dispute, difference, or cause of litigation, by amicable agreement between the parties; and, with the consent of the several parties, to refer the decision of a suit or contention to one or more arbitrators, and to take security from the parties that they will be bound by the result of such arbitration; and the award of such arbitrator or arbitrators shall be, to all intents and purposes, deemed and taken to be a judgment or sentence of Her Majesty's Consul in such civil suit, dispute, difference, or cause of litigation, and shall be entered and recorded as such, and shall have the like effect and operation, and shall be enforced accordingly, and shall be final and conclusive to all intents and purposes, and shall not be open to appeal, unless the same shall, within a reasonable time, have been ordered by the Consul to be set aside, on the ground that it is not final, or is defective, or that the arbitrator or arbitrators have exceeded their authority, or have been guilty of misconduct in the matter.

13. And it is further ordered, that it shall be lawful for Her Majesty's Consul to cause to be apprehended and brought before him any British subject who may be charged with having committed any crime or offence within the dominions of the Sultan of Zanzibar; and such Consul shall thereupon proceed within all convenient speed to enquire of the same, and for such purpose shall have power to examine on oath, or in such form and with such ceremony as the witness shall declare to be binding on his conscience, any witness who may appear before him to prove the charge, and also shall have power to compel any person, being a British subject, who may be competent to give evidence as to the guilt or innocence of the party so charged to appear and give evidence, and to punish the wilful default of any such person to appear and give evidence, after reasonable notice of the day of the hearing of such charge, by fine or imprisonment, in like manner as is provided in Article 10 of this Order, and shall examine every such witness in the presence and hearing of the party accused, and shall afford the party accused all reasonable facility for cross-examining such witness, and shall cause the deposition of every such witness to be reduced to writing, and the same to be read over and, if necessary, explained to the party accused, together with any other evidence that may have been urged against him during the course of the enquiry, and shall require such accused party to defend himself against the charge brought against him, and, if necessary, advise him of the legal effect of any voluntary confession, and shall take the evidence of any witness whom the accused party may tender to be examined in his defence; and every witness, being a British subject, so examined as aforesaid who shall upon any such occasion give wilfully false testimony may be convicted of, and punished for the crime of wilful and corrupt perjury: and, when the case has been fully enquired into, and the innocence or guilt of the person accused has been established to the satisfaction of the Consul, the Consul, as the case may be, shall either discharge the party accused from custody if satisfied of his innocence, or proceed to pass sentence on him if satisfied of his guilt; and it shall be lawful for the Consul, having enquired of, tried, and determined in the manner aforesaid any charge which may be brought before him, to award to the party

convicted any amount of punishment not exceeding imprisonment for one calendar month, or a fine of 200 dollars.

14. And it is further ordered, that if the crime or offence whereof any person, being a British subject, may be accused before Her Majesty's Consul as aforesaid, shall appear to such Consul to be of such nature as, if proved, would not be adequately punished by the infliction of such punishment as aforesaid, it shall be lawful for such Consul to summon not less than two, or not more than four, disinterested British subjects of good repute to sit with him as assessors for enquiring of, trying, and determining the charges against such person; and the Consul, when he shall try any such charge with the assistance of assessors as aforesaid shall, if he is himself convinced of the guilt of the party accused, have power to award any amount of punishment not exceeding imprisonment for 12 calendar months, or a fine of 1,000 dollars; and the assessors aforesaid shall have no authority to decide on the innocence or guilt of the party accused, or on the amount of punishment to be awarded to him on conviction; but in the event of the said assessors, or any of them, dissenting from the conviction of, or from the amount of punishment awarded to, the accused party, the assessors or assessor so dissenting shall be authorized to record in the minutes of the proceedings the grounds on which they or he may so dissent; and the Consul shall forthwith report to the High Court at Bombay the fact of such dissent, and of its having been so recorded in the minutes of the proceedings, and shall, as soon as possible, lay before the said Court copies of the whole of the depositions and proceedings, with the dissent of the assessor or assessors recorded therein; and it shall be lawful thereupon for the Court, by warrant under seal addressed to the Consul, to confirm, or vary, or remit altogether, as to the Court may seem fit, the sentence and punishment awarded to the party accused, and such Consul shall give immediate effect to the injunction of any such warrant: Provided always, that in any case in which the assessor or assessors shall dissent from the conviction of, or from the amount of punishment awarded to the accused party, it shall be lawful for Her Majesty's Consul to take good and sufficient bail from the accused party to appear and undergo the punishment awarded to him, provided the same or any portion thereof be confirmed by the Court, which punishment so confirmed shall commence and take effect from the day on which the decision of the Court shall be notified to the party accused.

15. And in order more effectually to repress crimes and offences on the part of British subjects within the dominions of the Sultan of Zanzibar, it is further ordered, that it shall and may be lawful for Her Majesty's Consul to cause any British subject who shall have been twice convicted before him of any crime or offence, and punished for the same, and who, after execution of the sentence of the Consul, or any second conviction, shall not be able to find good and sufficient security to the satisfaction of the Consul for his future good behaviour, or who having been deported under any sentence, shall, during such sentence, return, to be sent out of the dominions of the Sultan of Zanzibar; and to this end the Consul shall have power and authority as soon as may be practicable after execution of the sentence on such

second conviction, to send any such twice convicted party, or any person so returning as aforesaid, to Bombay, and in the meantime to detain such party in custody until a suitable opportunity for sending him out of the dominions of the Sultan of Zanzibar shall present itself; and any persons so to be sent out of the said dominions as aforesaid shall be embarked in custody on board of one of Her Majesty's vessels of war, or, if there shall be no such vessels available for such purpose, then on board any British vessel bound to Bombay; and it shall be lawful for the Commander of any of Her Majesty's ships of war, or of any British vessel bound to Bombay, to receive any such person as aforesaid under a warrant from the Consul to him addressed, and thereupon to convey such person in custody to Bombay as aforesaid, in the same manner as if he were a distressed British subject, unless he shall be willing and able himself to defray the expenses of his passage.

16. And it is further ordered, that in any case in which any British subject shall be accused before Her Majesty's Consul of the crime of arson, or housebreaking, or cutting and maiming, or stabbing or wounding, or of any assault endangering life, or of wilfully causing any bodily injury dangerous to life, or of wilful or corrupt perjury, or of engaging in or being accessory to the purchase or sale of slaves, or of having slaves illegally in his possession, the proceedings before the Consul shall be carried on with the aid of assessors convened in the manner aforesaid; and it shall be lawful for the Consul, if to him it shall seem fit, to cause any person convicted before him of any of the crimes aforesaid, over and above any fine or imprisonment which may be awarded to such person, to be sent out of the dominions of the Sultan of Zanzibar for such time as to him shall seem meet, in the manner pointed out in the next preceding Article of this order, notwithstanding the crime laid to the charge of such person may be the first of which he has been convicted before the Consul.

17. And it is further ordered, that it shall be lawful for Her Majesty's Consul within the dominions of the Sultan of Zanzibar, upon information laid before him by one or more credible witnesses that there is reasonable ground to apprehend that any British subject is about to commit a breach of the public peace, to cause such British subject to be brought before him, and to require such British subject to give sufficient security to keep the peace; and in the event of any British subject being convicted of, and punished for a breach of the peace, to cause such British subject, after he shall have undergone the punishment which may have been awarded to him by the Consul, to find security for his good behaviour; and in the event of any British subject who may be required as aforesaid to give sufficient security to keep the peace, or to find security for his good behaviour, being unable or wilfully omitting to do so, then and in any such case it shall be lawful for Her Majesty's Consul to send such British subject out of the dominions of the Sultan of Zanzibar, in the manner pointed out in Article 15 of this Order.

18. And it is further ordered, that in all cases in which a British subject shall have been sent out of the dominions of the Sultan of Zanzibar, as provided in the three next preceding Articles of this Order, the Consul

sending him out shall forthwith report such act of deportation, with the grounds of his decision thereon, to the High Court at Bombay.

19. And it is further ordered, that it shall be lawful for Her Majesty's Consul to cause to be apprehended and brought before him any British subject who may be charged with smuggling or importing into the dominions of the said Sultan any goods whereon any duty shall be charged or payable to the said Sultan, with the intent to evade the payment of such duty, or any goods the importation whereof shall be prohibited; and such Consul shall thereupon proceed with all convenient speed to enquire into the same on oath, or solemn affirmation, and to hear the witnesses on both sides, with like powers and in like manner in all respects as is provided by Article 10 of this Order. And it shall be lawful for the Consul, having enquired into and heard the said charge, to determine the same, and if he shall find the party guilty, if the charge against him shall be of importing into the said dominions prohibited goods, then to award him to pay a fine not exceeding treble the value of the said goods at the current price of the day; and if the charge shall be of smuggling or importing goods with intent to evade the payment of duty as aforesaid, then to award him to pay a fine not exceeding treble the amount of duties leviable thereon, and in case of non-payment of any such fine or fines, to award him to be imprisoned for a period not exceeding three months, or it shall be lawful for such Consul, without awarding the payment of any fine, to award that such party shall be imprisoned for a period not exceeding six months in such place as he shall appoint: Provided always, that no British subject charged only with importing prohibited goods shall be apprehended, unless and until he shall have had one week's notice to appear and answer the charge, and shall have refused, failed, or omitted so to appear.

20. And it is further ordered, that in cases of common assault it shall be lawful for the Consul before whom the complaint is made, to promote reconciliation between the parties, and to suffer compensation and amends to be made, and the proceedings thereby to be finally stayed.

21. And it is further ordered, that a minute of the proceedings in every case heard and determined before the Consul, in pursuance of this Order, shall be carefully drawn up, and be signed by the Consul, and shall, in cases where the assessors are present, be open for the inspection of such assessors and for their signature if they therein shall concur; and every such minute, together with the depositions of the witnesses, shall be preserved in the public office of the said Consul.

22. And it is further ordered, that save and except as regards offences committed by British subjects against the stipulations of any Treaty between Her Majesty and the Sultan of Zanzibar, or against any rules and regulations for the observance of the stipulations of any such Treaty or Convention, duly affixed and exhibited according to the provisions of Article 2 of this Order, or against any rules and regulations for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Sultan of Zanzibar, no act done by a British subject within the dominions of the said Sultan shall by Her Majesty's Consul be deemed and taken to be a crime or misdemeanour, or offence rendering the person committing it amenable

to punishment, which if done within any part of Her Majesty's dominions, would not by a court of justice having criminal jurisdiction in Her Majesty's dominions, have been deemed and taken to be a crime or misdemeanour or offence rendering the person committing it amenable to punishment; and Her Majesty is pleased to appoint, by and with the advice of Her Privy Council, Her Majesty's territory of Bombay as the place where crimes and offences committed by British subjects within the dominions of the Sultan of Zanzibar, which it may be expedient shall be enquired of, tried, determined, and punished within Her Majesty's dominions shall be so enquired of, tried, determined, and punished; and Her Majesty's Consul resident in Zanzibar shall have authority to cause any British subject charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to him, to be sent for trial at Her Majesty's said territory of Bombay.

23. And it is further ordered, that it shall be lawful for Her Majesty's Consul to cause any British subject charged with the commission of any crime, or offence, the cognizance whereof may at any time appertain to him, to be sent, in any of Her Majesty's ships of war, or in any British vessel, to Her Majesty's territory of Bombay, for trial before the High Court of the said territory; and it shall be lawful for the Commander of any of Her Majesty's ships of war, or of any British vessel, to receive any such person on board, with a warrant from the said Consul addressed to the Chief Magistrate of Police of the said territory; and thereupon to keep and detain in lawful custody, and to convey him in custody to Bombay, and on his arrival there to deliver him, with the said warrant, into the custody of the said Chief Magistrate of Police, or other officer within the said territory lawfully acting as such, who, on receipt of the said warrant, and of the party therein named, shall be authorized to commit, and shall commit, such party so sent for trial to the common gaol of the said territory; and it shall be lawful for the keeper of the said common gaol to cause such party to be detained in safe and proper custody, and to be produced upon the order of the said High Court; and the High Court at the sessions to be holden next after such committal shall proceed to hear and determine the charge against such party, and to punish him for the same, if found guilty, in the same manner as if the crime with which he may be charged had been committed within Her Majesty's said territory of Bombay.

24. And it is further ordered, that Her Majesty's Consul, on any occasion of sending a prisoner to Bombay for trial, shall observe the provisions made with regard to prisoners sent for trial to a British colony in an Act passed in the 6th and 7th years of Her Majesty's reign, intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual."

25. And it is further ordered, that the High Court of Bombay shall have and may exercise, concurrently with Her Majesty's Consul, authority and jurisdiction in regard to all suits of a civil nature between British subjects arising within any part of the dominions of the Sultan of Zanzibar: Provided always, that the said High Court shall not be bound, unless in a fit case

it shall deem it right so to do, by writ of certiorari or otherwise, to debar or prohibit the Consul from hearing and determining, pursuant to the provisions of the several Articles of this Order, any suit of a civil nature between British subjects, or to stay the proceedings of the Consul in such matter.

26. And it is further ordered, that all fines and penalties imposed under this Order may be levied by distress and seizure, and sale of ships, and of goods and chattels; and no bill of sale, mortgage, or transfer of property made by a party accused after his apprehension, or with a view to securing such party against any crime or offence committed or to be committed by him, or against the consequences thereof, shall avail to defeat any of the provisions of this Order.

27. And it is further ordered, that it shall be lawful for Her Majesty's Consul, from time to time, to establish rules of practice to be observed in proceedings before him, and to make regulations for defraying the expenses of witnesses in such proceedings, and the cost of criminal prosecutions, and also to establish rates and scales of fees to be taken in regard to civil suits heard and determined before the said Consul; and it shall be lawful for the said Consul to enforce by seizure and sale of goods, or, if there be no sufficient goods, by imprisonment, the payment of such established fees, and of such costs or expenses as may be adjudged against the parties, or any of them: Provided always, that a table specifying the rates of fees to be so taken shall be affixed and kept exhibited in the public office of the said Consul.

28. And it is further ordered, that all fees, penalties, fines, and forfeitures levied under this Order, save and except such penalties as may by Treaty be payable to the Sultan of Zanzibar, shall be paid to the public account, and shall be applied in diminution of the public expenditure on account of Her Majesty's Consulate in Zanzibar: Provided always, that in the event of any of the Zanzibar authorities declining to receive fines payable to the Government of Zanzibar as aforesaid, the same shall also be paid to the public account, and applied in the manner last mentioned.

29. And it is further ordered, that Her Majesty's Consul within the dominions of the Sultan of Zanzibar shall, for and within the said dominions, and for vessels and persons coming within those dominions, and in regard to vessels captured on suspicion of being engaged in the slave-trade within those dominions, have all such jurisdiction as for the time being ordinarily belongs to Courts of Vice-Admiralty in Her Majesty's possessions abroad. And it is further ordered, that it shall be lawful for Her Majesty's Consul to grant probate of will or letters of administration to the intestate estate of any British subject, or any native of a State or place under British protection, who shall die and leave property within the dominions of the Sultan of Zanzibar; and if such probate or letters of administration shall not be applied for within 30 days after the death of the deceased person, it shall be lawful for the Consul to administer to the estate of such person, and for so doing to reserve to himself out of the proceeds of such estate a commission not exceeding 2½ per cent. on the account thereof.

30. And it is further ordered, that a register shall be kept by Her Majesty's Consul of all British subjects, and of all natives of British-protected States in India who may claim British protection, residing within the dominions of the Sultan of Zanzibar; and that every British subject now residing within such dominions who shall not have been already enrolled in such Consular register, shall, within a reasonable time after the promulgation of this Order, such time to be specified in a notice affixed and publicly exhibited in the Consular Office, apply to the Consul to be enrolled in such register; and every British subject who may arrive within the said dominions (except British subjects borne on the muster-roll of any British ship arriving in any port of Zanzibar) shall, within a reasonable time after his arrival, such time to be specified as aforesaid, also apply to the Consul to be enrolled in such register; and any British subject who shall refuse or neglect to comply to be so enrolled as hereinbefore mentioned, and who shall not excuse such refusal or neglect to the satisfaction of the Consul, shall not be entitled to be recognized or protected as a British subject in respect to any suite, dispute, or difficulty in which he may have been, or may be, engaged or involved within the dominions of the Sultan of Zanzibar, at any time when he shall not have been or shall not be so enrolled.

31. And it is further ordered, that Her Majesty's Consul shall and may exercise all or any of the powers which, by any Act or Acts of the Imperial Parliament for the regulation of the merchant seamen, or for the regulation of the mercantile marine, may now or at any time hereafter be exercised by any justice or justices of the peace within Her Majesty's dominions.

32. And it is further ordered, that nothing in this Order contained shall be deemed or construed to prevent Her Majesty's Consul within the dominions of the Sultan of Zanzibar from doing or performing any act whatsoever which British Consuls within any other State in amity with Her Majesty are by law, usage, or sufferance entitled or enabled to do or perform.

33. And it is further ordered, that every action or suit brought against Her Majesty's Consul by reason of anything done under the authority of this Order shall be commenced within six calendar months next after the doing thereof, and not otherwise; and the defendant in every such action or suit shall be entitled to the benefit of the provisions made with respect to defendants in actions or suits in the said hereinbefore recited Act of the 6th and 7th years of Her Majesty's reign.

34. And it is further ordered, that the word "Consul" in this Order shall include every person duly authorized to act in the aforesaid capacity, within the dominions of the Sultan of Zanzibar; and that, in the construction of this Order, words importing the singular number shall, if necessary, be understood to include several persons, matters, or things; and words importing the masculine gender only shall, if necessary, be understood to import the feminine gender, unless there be something in the subject or context repugnant to such construction.

35. And it is further ordered, that the provisions of this Order, relating to British subjects, shall extend and apply to all subjects of Her Majesty

whether by birth or by naturalization, and also to all persons enjoying Her Majesty's protection in the dominions of the Sultan of Zanzibar: And it is further ordered, that this Order shall take effect on and after the 1st day of September next.

36. And the Right Honourable Viscount Cranborne and the Right Honourable Lord Stanley, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

ARTHUR HELPS.

MUSCAT.

APPENDIX No. IX.—*Page* 196.

TREATY of AMITY and COMMERCE between the UNITED STATES of AMERICA and HIS MAJESTY SYUD SUEED BIN SULTAN, of MUSCAT, and his DEPENDENCIES.

ARTICLE I.

There shall be a perpetual peace between the United States of America and His Majesty Syud Sueed Bin Sultan of Muscat, and his dependencies.

ARTICLE II.

The citizens of the United States shall have free liberty to enter all the ports of His Majesty Syud Sueed Bin Sultan, with their cargoes, of whatever kind the said cargoes may consist, and they shall have liberty to sell the same to any of the subjects of the Sultan, or others who may wish to purchase the same, or to barter the same for any produce or manufactures of the kingdom or other articles that may be found there. No price shall be fixed by the Sultan or his officers on the articles to be sold by the merchants of the United States, or the merchandize they may wish to buy; but the trade shall be free on both sides to sell or buy, or exchange, on the terms and for the prices the owners may think fit; and whenever the said citizens of the United States may think fit to depart, they shall be at liberty to do so; and if any officer of the Sultan shall contravene this Article he shall be severely punished. It is understood and agreed, however, that the articles of muskets, powder, and ball can only be sold to the Government in the Island of Zanzibar, but in all other ports of the Sultan the said munitions of war may be freely sold without any restriction whatever to the highest bidder.

ARTICLE III.

Vessels of the United States entering any port within the Sultan's dominions, shall pay no more than five per cent. duties on the cargo landed, and this shall be in full consideration of all import and export duties, tonnage, license to trade, pilotage, anchorage, or any other charge whatever. Nor shall any charge be paid on that part of the cargo which shall remain on board unsold and re-exported. Nor shall any charge whatever be paid on any vessel of the United States, which may enter any of the ports of His Majesty for the purpose of refitting, or for refreshments or to inquire the state of the market.

ARTICLE IV.

That American citizens shall pay no other duties on export or import, tonnage, license to trade, or other charge whatsoever than the nation the most favored shall pay.

ARTICLE V.

If any vessel of the United States shall suffer shipwreck on any part of the Sultan's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained at the expense of the Sultan, until they shall find an opportunity to be returned to their country, for the Sultan can never receive any remuneration whatever for rendering succour to the distressed, and the property saved from such wreck shall be carefully preserved and delivered to the owner, or the Consul of the United States, or to any authorized Agent.

ARTICLE VI.

The citizens of the United States resorting to the ports of the Sultan for the purpose of trade, shall have leave to land and reside in the said ports, without paying any tax or importation whatever for such liberty, other than the general duties on imports which the most favored nation shall pay.

ARTICLE VII.

If any citizens of the United States or their vessels or other property shall be taken by pirates, and brought within the dominions of the Sultan, the persons shall be set at liberty and the property restored to the owner, if he be present, or to the American Consul, or to any authorized Agent.

ARTICLE VIII.

Vessels belonging to the subjects of the Sultan which may resort to any port in the United States, shall pay no other or higher rate of duties, or other charges, than the nation the most favored shall pay.

ARTICLE IX.

The President of the United States may appoint Consuls to reside in the ports of the Sultan where the principal commerce shall be carried on, which consuls shall be the exclusive Judges of all disputes on suits wherein American citizens shall be engaged with each other; they shall have power to receive the property of any American citizen dying within the kingdom, and to send the same to his heirs, first paying all his debts due to the subjects of the Sultan. The said Consuls shall not be arrested, nor shall their property be seized, nor shall any of their household be arrested but their persons, and their property and their houses shall be inviolate. Should any Consul however commit any offence against the laws of the kingdom, complaint shall be made to the President, who will immediately displace him.

Concluded, signed, and sealed at the Royal Palace in the City of Muscat, in the Kingdom of Oman, the 21st day of September, in the year one thousand eight hundred and thirty-three of the Christian era, and the fifty-seventh year of the Independence of the United States of America, (corresponding to the sixth day of the Moon called Jumadee-ul-awul, in the year of the Hijree, one thousand two hundred and forty-nine).

(Sd.) EDMUND ROBERTS.

Whereas the undersigned Edmund Roberts, a citizen of the United States of America and a resident of Portsmouth in the State of New Hampshire, being duly appointed a Special Agent by Letters Patent under the signature of the President, and seal of the United States of America, bearing date at the City of Washington, the twenty-sixth day of January, Anno Domini one thousand eight hundred and thirty-two, for negotiating and concluding a Treaty of Amity and Commerce between the United States of America and His Majesty Syud Sueed Bin, Sultan, of Muscat: now know ye, that I, Edmund Roberts, Special Agent as aforesaid, do conclude the foregoing Treaty of Amity and Commerce, and every Article and Clause therein contained, reserving the same nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the United States.

Done at the Royal Palace in the City of Muscat, in the Kingdom of Oman, on the 21st day of September in the year of our Lord 1833, and of the Independence of the United States of America, the fifty-seventh, corresponding to the 6th day of the Moon, called Jumadee-ul-awul, in the year Allijra (Hijree) 1249.

(Sd.) EDMUND ROBERTS.

MUSCAT.

APPENDIX No. X.—*Page* 196.

TREATY of COMMERCE concluded between HIS HIGHNESS the IMAM of MUSCAT and the KING of the FRENCH, on the 17th November 1844, and finally ratified on the 4th February 1846.

PREAMBLE.—The King of the French and HIS HIGHNESS SYUD SUEED BIN SULTAN, the Sultan of Muscat and other places, being desirous to confirm and strengthen the good understanding which subsists between them, and to promote the commercial intercourse between their respective countries, and having come to the determination of entering into a Treaty of commerce and amity, the former has appointed as his Plenipotentiary, Monsieur Romain Desfossés, Captain in the Navy, and Chief of Bourbon and Madagascar, and the latter has resolved personally to carry on negotiations with the said Plenipotentiary. The Plenipotentiary of the King of the French having represented to His Highness the Imam and Sultan of Muscat that he was vested with the requisite powers, has concluded the following Articles with HIS HIGHNESS SYUD SUEED BIN SULTAN :—

ARTICLE 1.

There shall always be good understanding and friendship between the King of the French, his heirs and successors, and His Highness Syud Sueed bin Sultan, the Sultan of Muscat, his heirs and successors, as also between their respective subjects.

ARTICLE 2.

The subjects of Syud Sueed bin Sultan, the Sultan of Muscat, shall be at liberty to enter, reside in, trade with, and pass with their merchandize through, France; and the French shall, in like manner, have similar liberty with regard to the territories of Syud Sueed bin Sultan, the Sultan of Muscat. The subjects of both the Government shall have all the privileges which are or may be conceded by the respective Governments to the subjects of the most favored nations.

ARTICLE 3.

The French shall be at liberty to purchase, sell, or rent land, houses, or warehouses, in the dominions of Syud Sueed bin Sultan, the Sultan of Muscat. The houses, warehouses, or other premises occupied by the French, or by persons in their service, shall not be forcibly entered without the permission of the French Consul. They shall not be prevented from leaving the dominions of Syud Sueed bin Sultan whenever they wish to do so.

ARTICLE 4.

The subjects of Syud Sueed bin Sultan, the Sultan of Muscat, actually in the service of the French, shall enjoy the same privileges which are granted to the French themselves; but if such subjects of His Highness shall be convicted of any crime or infraction of the law, they shall be discharged by the French, and delivered over to the authorities of the place.

ARTICLE 5.

The two high contracting parties acknowledge reciprocally the right of appointing Consuls to reside in each other's dominions, wherever the interests of commerce may require the presence of such officers; and such Consuls shall at all times be placed in the country in which they reside on the footing of the Consuls of the most favored nations. Each of the high contracting parties further agrees to permit his own subjects to be appointed to Consular Offices by the other contracting party, provided always that the persons so appointed shall not begin to act without the previous approbation of the Sovereign whose subjects they may be. The public functionaries of either Government, residing in the dominions of the other, shall enjoy the same privileges, immunities, and exemptions which are enjoyed within the same dominions by similar public functionaries of other countries. The French Consul shall be at liberty to hoist the French flag over his house.

ARTICLE 6.

The authorities of the Sultan of Muscat shall not interfere in disputes between the French, or between the French and the subjects of other Christian nations. When differences arise between a subject of the Sultan of Muscat and a Frenchman, if the former be the complainant, the cause shall be heard by the French Consul; but if a Frenchman be the complainant against any of the subjects of the Sultan at Muscat, or against any Mahomedans, then the cause shall be decided by the authorities of the Sultan of Muscat, or by his deputy; but in such case the cause shall not be decided, except in the presence of the French Consul, or his deputy, who shall attend at the Court. In causes between a Frenchman and a subject of the Sultan of Muscat, the evidence of a man proved to have given false testimony on a former occasion shall not be received. A cause to be decided by the French Consul shall be tried in the presence of the Sultan of Muscat, or a person acting for him.

ARTICLE 7.

The property of a French subject who may die in any part of the dominions of the Sultan of Muscat, or of a subject of the Sultan of Muscat who may die in any part of the French dominions, shall be delivered over to the executor or administrator of the deceased, or, in default of such executor or administrator, to the respective Consuls of the contracting parties.

ARTICLE 8.

If a Frenchman shall become bankrupt in the dominions of the Sultan of Muscat, the French Consul shall take possession of all the property of

such bankrupt, and shall give it up to the creditors of the bankrupt, to be divided among them. This having been done, the bankrupt shall be entitled to a full discharge from his creditors, and he shall not at any time afterwards be required to make up the deficiency, nor shall any property he may afterwards acquire be considered liable for that purpose. But the French Consul shall use his endeavours to obtain for the benefit of the creditors all the property of the bankrupt. It shall also be incumbent upon the Consul to ascertain that everything possessed by the bankrupt at the time when he became insolvent has been given up.

ARTICLE 9.

If a subject of the Sultan of Muscat owes a debt to a Frenchman, the Sultan or his deputies shall urge the former to pay the claim of the latter. In like manner, the French Consul shall enjoin a Frenchman to pay a debt due by him to a subject of the Sultan of Muscat.

ARTICLE 10.

No duty exceeding five per cent. shall be levied on goods imported by French vessels into the dominions of Syud Sueed bin Sultan, the Sultan of Muscat. If a vessel of other nations imports any goods into the territories of the Sultan of Muscat, and pays less duty than five per cent., the same duty only shall be levied on similar goods imported by a French vessel into the said territories. A French vessel after she has paid the duty of five per cent., shall not be subject to any other charges, such as anchorage, pilotage, &c., nor shall any charge be made on that part of the cargo which may remain on board a French vessel; but if the vessel shall go to another part of the dominions of the Sultan of Muscat, duty shall be levied at five per cent. The above-mentioned duty having once been paid, the goods may be sold, by wholesale or retail, without paying any further duty. No charge whatever shall be made on French vessels which may enter any of the ports of the Sultan of Muscat for the purpose of refitting, or for refreshments, or to inquire about the state of the market; and they shall enjoy the same privileges which are enjoyed (by the vessels) of the most favored nations.

ARTICLE 11.

No vessel shall be prohibited from importing into, or exporting from, the territories of the Sultan of Muscat any kind of merchandize. The trade shall be perfectly free in the said territories, subject to the abovementioned duty, and to no other. The French shall be at liberty to buy and sell from whomsoever and to whomsoever they choose; but they shall not trade in the articles of ivory and gum copal on that part of the East Coast of Africa from the port of Tongate, situated in 5½ degrees of south latitude, to the port of Culva, lying in nine degrees south of the equator, both ports inclusive. But if the English or Americans, or any other Christian nation, should carry on this trade, the French shall, in like manner, be at liberty to do so.

ARTICLE 12.

If any disputes should arise in the dominions of the Sultan of Muscat as to the value of goods which shall be imported by French merchants, and on which the duty of five per cent. is to be levied, the Custom Master, or other person acting on the part of the Sultan of Muscat, shall, when practicable, receive one-twentieth part of the goods, and the merchant shall then be subject to no further demand on account of customs on the remaining goods in any part of the dominions of the Sultan of Muscat to which he may transport them. But if the Custom Master should object to levy the duty in the manner aforesaid, by taking one-twentieth part of the goods, or if the goods should not admit of being so divided, then the point in dispute shall be referred to two competent persons, one chosen by the Custom Master, and the other by the merchant, who shall make a valuation of the goods; and if they shall differ in opinion, they shall appoint an arbitrator, whose decision shall be final, and the duty shall be levied according to the value thus established.

ARTICLE 13.

It shall not be lawful for any French merchant to expose his goods for sale for the space of three days after the arrival of such goods, unless the Custom Master and the merchant shall have agreed as to the value of such goods. If the Custom Master shall not within three days have accepted one of the two modes proposed for ascertaining the value of the goods, the authorities on the part of the Sultan of Muscat, on an intimation being made to them on the subject, shall compel the Custom Master to choose one of the two modes for the levy of the duty.

ARTICLE 14.

If it shall happen that either the King of the French or the Sultan of Muscat should be at war with another country, the subjects of the King of the French and the subjects of the Sultan of Muscat shall nevertheless be allowed to trade with, and to take to, such country, merchandize of every description, except warlike stores, but they shall not be allowed to enter any port or place actually blockaded or besieged.

ARTICLE 15.

Should a vessel under the French flag enter a port in the dominions of the Sultan of Muscat in distress, the local authorities at such port shall afford all necessary aid to enable the vessel to refit and to prosecute her voyage; and if any such vessel should be wrecked on the coasts of the dominions of the Sultan of Muscat, the authorities on the part of the Sultan of Muscat shall render all the assistance in their power to recover and deliver over to the owner, or the Consul, the property that may be saved from such wreck. The same assistance and protection shall be afforded to vessels of the dominions of the Sultan of Muscat, and property saved therefrom under similar circumstances, in the ports and on the coasts of the French dominions.

ARTICLE 16.

If any person not belonging to the Christian nations shall steal any article from a French vessel, and take it to the dominions of the Sultan of Muscat, it shall be recovered from the robber and delivered over to the Consul.

ARTICLE 17.

The French shall be at liberty to hire or erect houses and warehouses at Zanzibar or anywhere else.

ARTICLE 18.

Any engagements which may have been entered into previously to this are null and void, and are not to be acted upon or attended to.

ARTICLE 19.

The present convention shall be ratified, and the ratifications thereof shall be exchanged, at Muscat or Zanzibar, as soon as possible, and within the space of fifteen months from the date hereof.

Dated the 6th Zilkad, Hijree 1260 (*corresponding with the 17th November* 1844 *A.D.*)

(True translation.)

(Sd.) W. ESCOMBE,
Secy. to Govt.

MEMORANDUM.

On the 4th February 1846, the ratifications of the foregoing Treaty were exchanged between His Highness the Imam of Muscat and Commodore Monsieur Romain Desfossés, on the part of the King of the French. Previous to the exchange of the ratifications, His Highness requested from Commodore Monsieur Desfossés* an explanation of the precise meaning of Article XVII. of the Treaty, who replied that the said Article was considered as having reference to matters simply and purely of a commercial nature. The exchange of ratifications then took place, His Highness the Imam previously affixing thereto the following declaration:—

Vide letter from Captain Hamerton to the Bombay Government, dated the 13th February 1846.

Declaration written by His Highness the Imam on the foregoing Treaty.

That is correct, that whatsoever is written in Arabic letters (in the Arabic language) in the agreement is binding on us.

The writing of the humble Fukeer with his own hand.

(Sd.) SYUD BIN SULTAN.

(True translation.)

(Sd.) ATKINS HAMERTON.

ZANZIBAR.

APPENDIX No. XI.—*Page* 196.

TREATY of AMITY, COMMERCE, and NAVIGATION between the SENATES of the HANSEATIC REPUBLICS of LUBECK, BREMEN, and HAMBURG and His HIGHNESS SYUD MAJID, BIN SYUD, SULTAN of ZANZIBAR, concluded at Zanzibar, the 13th of June 1859.

HIS Highness Syud Majid bin Synd, Sultan of Zanzibar and his dependencies having in consideration of the extensive and fast increasing trade and navigation between the Hanseatic Republics of Lubeck, Bremen, and Hamburg and his own dominions, most graciously accepted the proposals of the Senates of the said Republics, for negotiating a Treaty of Amity, Commerce and Navigation for the support of mutual welfare and mutual commercial interest; the Senates of the Hanseatic Republics of Lubeck, Bremen and Hamburg have accordingly appointed as their Plenipotentiary William Henry O'Swald, Junior, Esquire, a citizen of the Hanseatic Republic of Hamburg, and actually residing in the city of Zanzibar, Island of Zanzibar; and the Sultan of Zanzibar, Syud Majid bin Syud, has resolved personally to carry on negotiations with the said Plenipotentiary; the Plenipotentiary of the above mentioned Hanseatic Republics having represented to His Highness the Sultan of Zanzibar that he is vested with the requisite powers, the following Treaty has been concluded with the consent of both the high contracting parties.

ARTICLE I.

There shall be perpetual peace and amity between the Hanseatic Republics of Lubeck, Bremen, and Hamburg and His Highness Syud Majid bin Syud, Sultan of Zanzibar.

ARTICLE II.

The citizens of the Hanseatic Republics of Lubeck, Bremen, and Hamburg shall have the liberty to enter all the ports of His Highness Syud Majid bin Syud, Sultan of Zanzibar, with their cargoes, of whatever kind the said cargoes may consist, and they shall have liberty to sell the same to any of the subjects of the Sultan, or others who may wish to buy the same; or to barter the same for any produce or manufactures of the kingdom, or other articles that may be found there. No price shall be fixed by His Highness the Sultan or his officers on the articles to be sold by the merchants of the beforementioned Hanseatic Republics, or the merchandize they may wish to purchase, but the trade shall be free on both sides to sell or buy or exchange, on the terms, and for the prices, the owner may think fit, and whenever the said citizens of the said Hanseatic Republics may think fit to depart, they shall be at liberty so to do; and if any officer of His Highness the Sultan shall contravene this Article, he shall be severely punished.

ARTICLE III.

Vessels of the Hanseatic Republics of Lubeck, Bremen, and Hamburg entering the port of Zanzibar, or any other port within His Highness the Sultan's dominions, shall pay no more than five per cent. duties on the cargo landed, and this shall be as a full equivalent and in lieu of all other import and export duties; tonnage dues; licenses to trade; pilotage; anchorage; or any other charges whatever.

Nor shall any duty or charge be paid on that part of the cargo which may remain on board unsold and re-exported. Nor shall any charge whatever be paid on any vessel of the Hanseatic Republics, which may enter any of the ports of His Highness the Sultan's dominions, for the purpose of refitting, or for refreshments or to enquire the state of the market.

And it is also well understood and agreed upon as follows:—Should any vessel of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, whether she has been loaded before in Zanzibar or in any other port within His Highness the Sultan's dominions, or in any foreign port, be obliged to return to, or enter any port within His Highness the Sultan's dominions, for the purpose of repairing the ship's damages, sustained at sea by stress of weather or by some other accident of the seas, and thereby be obliged to unload her cargo, such vessels shall be permitted to land her said cargo free of duty, and shall pay no duty whatever on such cargo landed, provided it be re-shipped either on board the said vessel or on board any other vessel, should the sea-damaged vessel be condemned.

ARTICLE IV.

His Highness the Sultan of Zanzibar hereby engages not to permit the establishment of any monopoly or exclusive privilege of sale within his dominions; except in the articles of ivory and gum copal, in that part of the East Coast of Africa, from the port of Tangate, situated in about 5½ degrees of South Latitude to the port of Quali lying in about seven degrees south of the Equator, both ports inclusive; but in all other ports and places in His Highness the Sultan's dominions, there shall be no monopoly whatever; but the citizens of the Hanseatic Republics of Lubeck, Bremen, and Hamburg shall be at liberty to buy and sell with perfect freedom, from whomsoever and to whomsoever they choose, subject to no other duty by Government than that before mentioned.

ARTICLE V.

The citizens of the Hanseatic Republics of Lubeck, Bremen, and Hamburg shall enjoy all the privileges and advantages with respect to commerce or otherwise, which are or may be accorded to the subjects or citizens of the most favored nation, and particularly pay no other duties on export or import; tonnage; license to trade; or any other charge whatsoever than the nation the most favored shall pay.

ARTICLE VI.

Should a vessel of the Hanseatic Republics of Lubeck, Bremen, and Hamburg enter a port in the dominions of His Highness the Sultan of Zanzibar

in distress the local authorities at such port shall afford all necessary aid to enable the vessel to refit and to prosecute her voyage, and if any such vessel should be wrecked on the coast of the dominions of His Highness the Sultan of Zanzibar, the authorities of His Highness shall give all the assistance in their power to recover and to deliver over to the owners all the property that can be saved from such vessel, or to the Consul of the before mentioned Hanseatic Republics or to any authorized Agent. The same assistance and protection shall be afforded to vessels of the dominions of His Highness the Sultan of Zanzibar, and property saved therefrom under similar circumstances in the ports and on the coast of the Hanseatic Republics of Lubeck, Bremen, and Hamburg.

ARTICLE VII.

The citizens of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, resorting to the ports of His Highness the Sultan's dominions for the purpose of trade shall have leave to land and reside in the said ports, as well as to purchase, sell, or hire, land or houses there. The houses, warehouses, or other premises occupied by the citizens of the three Hanseatic Republics, or by persons in their service, shall not be forcibly entered without the permission of the Consul of the Hanseatic Republics.

ARTICLE VIII.

If any citizen of the Hanseatic Republics of Lubeck, Bremen, or Hamburg, or their vessels, or other property, shall be taken by pirates and brought within the dominions of His Highness the Sultan the persons shall be set at liberty, and the property restored to the owner, if he is present, or to the Consul of the before mentioned Hanseatic Republics or to any authorized Agent.

ARTICLE IX.

Vessels belonging to His Highness the Sultan of Zanzibar, or vessels belonging to his subjects, which may resort to any port of the Hanseatic Republics of Lubeck, Bremen, or Hamburg, shall pay no other higher rate of duties or other charges than the nation the most favored shall pay. The subjects of His Highness the Sultan shall be permitted to reside and pursue commerce in all ports of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, submitting themselves to the laws of the country. They shall enjoy the fullest protection for their persons and for their property.

ARTICLE X.

The Senates of the Republics of Lubeck, Bremen, and Hamburg may appoint Consuls to reside in the ports of His Highness the Sultan's dominions, where the principal commerce shall be carried on. The said Consuls shall at all times be placed on the footing of the Consuls of the most favored nations, and shall enjoy the same privileges, immunities, and exemptions which are enjoyed within the same dominions by similar public functionaries of other countries.

ARTICLE XI.

The Consuls of the Hanseatic Republics of Lubeck, Bremen, and Hamburg shall have the power to receive the property of the citizens of the three Hanseatic Republics dying within the dominions of His Highness the Sultan, and to send the same to their heirs, first paying all their debts due to the subjects of His Highness the Sultan.

ARTICLE XII.

The authorities of His Highness the Sultan of Zanzibar shall not interfere in disputes between citizens of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, or between the said citizens and the subjects or citizens of other Christian nations. When differences arise between a subject of the dominions of His Highness the Sultan of Zanzibar and a citizen of the above mentioned Hanseatic Republics, if the former is the complainant, the cause shall be heard by the Consul of the three Hanseatic Republics, who shall administer justice thereupon; but if the citizen of the three Hanseatic Republics is the complainant against any of the subjects of His Highness the Sultan of Zanzibar, or the subjects of any other Mahomedan power, the cause shall be decided by the highest authority of His Highness the Sultan of Zanzibar or by any person nominated by him; but in such case the cause shall not be proceeded with except in the presence of the Consul of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, or of some person deputed by him.

ARTICLE XIII.

If a citizen of the Republics of Lubeck, Bremen, and Hamburg shall become bankrupt in the dominions of His Highness the Sultan of Zanzibar, the Consul of the three Hanseatic Republics shall take possession of all the property of such bankrupt, and shall give it up to his creditors to be divided among them. This having been done, the bankrupt shall be entitled to a full discharge from his creditors, and he shall not at any time afterwards be required to make up his deficiency, nor shall any property he may afterwards acquire be considered liable for that purpose. But the Consul of the Hanseatic Republics of Lubeck, Bremen, and Hamburg shall use his best endeavours to obtain for the benefit of the creditors all the property of the bankrupt at the time when he became insolvent has been given up without reserve.

ARTICLE XIV.

If a subject of His Highness the Sultan of Zanzibar should resist or evade payment of his just debts to a citizen of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, the authorities of His Highness shall afford to the citizen of the Hanseatic Republics every aid and facility in recovering the amount due; and in like manner the Consul of the three Hanseatic Republics shall afford every aid and facility to subjects of His Highness the Sultan of Zanzibar, in recovering debts justly due to them from a citizen of the Hanseatic Republics of Lubeck, Bremen, and Hamburg.

ARTICLE XV.

His Highness the Sultan of Zanzibar shall be at liberty to appoint Consuls in the cities and ports of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, for the protection of his own interests, or those of his subjects; and such Consul shall enjoy the same rights, liberties, and privileges, which the Consul of the most favoured nation shall enjoy.

ARTICLE XVI.

The present convention shall be ratified and the ratifications thereof shall be exchanged at Zanzibar as soon as possible.

Concluded, signed, and sealed, at the Royal Palace of His Highness the Sultan of Zanzibar, in the city of Zanzibar, Island of Zanzibar, the thirteenth day of June, in the year one thousand eight hundred and fifty-nine of the Christian era, corresponding to the eleventh day of the moon called Zilkad, in the year of the Alhajra (Hejira), one thousand two hundred and seventy-five.

For the Senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg.

(Sd.) W. H. O'SWALD, *Jr.*

Signed in the Arabic language,

(Sd.) MAJID BIN SYUD.

The Seal of the Sultan Majid bin Syud, Sultan of Zanzibar.

True Copy of the Original.
Treaty in the English language.

(Sd.) C. P. RIGBY, *Capt.*,
Her Majesty's Consul and British Agent, Zanzibar.

British Consulate, Zanzibar, June 14th, 1859.

Translation of the sign Manual, and seal of His Highness Majid bin Syud, Sultan of Zanzibar, as affixed to the original Treaty.

(Sd.) C. P. RIGBY, *Capt.*,
Her Majesty's Consul and British Agent, Zanzibar.

True copies.

(Sd.) H. P. ANDERSON,
Secretary to Government.

6 & 7 VICTORIÆ, CAP. XCIV.

AN ACT *to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual.*

[24*th August* 1843.]

Preamble.

Whereas by treaty, capitulation, grant, usage, sufferance, and other lawful means Her Majesty hath power and jurisdiction within divers countries and places out of Her Majesty's dominions: And whereas doubts have arisen how far the exercise of such power and jurisdiction is controlled by and dependent on the laws and customs of this realm, and it is expedient that such doubts should be removed: Be it therefore enacted, &c.

The power acquired by Her Majesty in countries out of Her dominions shall be held on the same terms as Her Majesty's authority in the crown colonies.

I. That it is and shall be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty now hath or may at any time hereafter have within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory.

Acts done in pursuance of such power to be of the same effect as if done under local laws.

II. And be it enacted, that every act, matter, and thing which may at any time be done, in pursuance of any such power or jurisdiction of Her Majesty, in any country or place out of Her Majesty's dominions, shall, in all Courts ecclesiastical and temporal and elsewhere within Her Majesty's dominions, be and be deemed and adjudged to be, in all cases and to all intents and purposes whatsoever, as valid and effectual as though the same had been done according to the local law then in force within such country or place.

Courts authorized to procure evidence of such power by application to Secretary of State.

III. And be it enacted, that if any suit or other proceedings, whether civil or criminal, in any Court ecclesiastical or temporal within Her Majesty's dominions, any issue or question of law or of fact shall arise for the due determination whereof it shall, in the opinion of the Judge or Judges of such Court, be necessary to produce evidence of the existence of any such power or jurisdiction as aforesaid, or of the extent thereof, it shall be lawful for the Judge or Judges of any such Court, and he or they are

hereby authorized, to transmit, under his or their hand and seal or hands and seals, to one of Her Majesty's principal Secretaries of State, questions by him or them properly framed respecting such of the matters aforesaid as it may be necessary to ascertain in order to the due determination of any such issue or question as aforesaid; and such Secretary of State is hereby empowered and required, within a reasonable time in that behalf, to cause proper and sufficient answers to be returned to all such questions, and to be directed to the said Judge or Judges, or their successors; and such answers shall, upon production thereof, be final and conclusive evidence, in such suit or other proceedings, of the several matters therein contained and required to be ascertained thereby.

Power to send persons charged with crimes for trial to a British colony.

IV. And whereas it may in certain cases be expedient that crimes and offences committed within such countries or places as aforesaid should be inquired of, tried, determined, and punished within Her Majesty's dominions; be it enacted, that it shall and may be lawful for any person having authority derived from Her Majesty in that behalf, by warrant under his hand and seal, to cause any person charged with the commission of any crime or offence the cognizance whereof may at any time appertain to any Judge, Magistrate, or other officer of Her Majesty within any such country or place as aforesaid, to be sent for trial to any *British* colony (*a*) which Her Majesty may by any order or orders in council from time to time appoint in that behalf; and upon the arrival of such person within such colony it shall and may be lawful for the Supreme Court exercising criminal jurisdiction within the same to cause such person to be kept in safe and proper custody, and, so soon as conveniently may be, to inquire of, try, and determine such crime or offence, and upon conviction of the person so charged as aforesaid to correct and punish him according to the laws in force in that behalf within such colony, in the same manner as if the said crime or offence had been committed within the jurisdiction of such Supreme Court: Provided always, that before any such person shall be sent for trial to any such colony as aforesaid it shall be lawful for him to tender for examination to the Judge, Magistrate, or other officer of Her Majesty to whom the cognizance of the crime or offence with which he is charged may appertain, within the country or place where the same may be alleged to have been committed, any competent witness or witnesses, the evidence of whom he may deem material for his defence, and whom he may allege himself to be unable to produce at his trial in the said colony; and the said Judge, Magistrate, or other officer shall thereupon proceed in the examination and cross-examination of such witness or witnesses in the same manner as though the same had been tendered at a trial before such Judge, Magistrate, or other officer, and shall cause the evidence so taken to be reduced into writing, and shall trans-

Before any such person shall be sent to any colony for trial, he may tender any material evidence that he would be unable to produce on trial, and which shall be taken down and transmitted.

(*a*) This includes British India, 28 & 29 Vic., Cap. CXVI. (see p. cciv.)

mit a copy of such evidence to the Supreme Court before which the trial of such person is to take place, together with a certificate under his hand and seal of the correctness of such copy; and thereupon it shall be lawful for the said Supreme Court, and it is hereby required, to allow so much of the evidence so taken as aforesaid as would have been admissible according to the law and practice of the said Supreme Court, had the said witness or witnesses been produced and examined at the trial before the said Court, to be read and received as legal evidence at such trial: Provided also, that if it shall be made to appear at such trial that the laws by which the person charged with any criminal act would have been tried had his trial taken place before a Judge, Magistrate, or other officer of Her Majesty in the country or place in which such act may be alleged to have been committed, vary from or are inconsistent with the laws in force within such colony, in respect either of the criminality of the act charged, or of the nature or degree of the alleged crime or offence, or of the punishment to be awarded for the same, such Supreme Court is hereby empowered and required to admit and give effect to the laws by which such person would have been so tried as aforesaid, so far as but not further or otherwise than the same relate to the criminality of such act, or to the nature or degree of such crime or offence, or to the punishment thereof: Provided also, that nothing herein contained shall be construed to alter or repeal any law, statute, or usage by virtue of which any crime or offence committed out of Her Majesty's dominions might, at the time of the passing of this Act, be inquired of, tried, determined, and punished within Her Majesty's dominions, or any part thereof, but the same shall remain in full force and effect, anything herein contained to the contrary notwithstanding.

In case the laws of the place in which the act was committed vary from those of the colony the Court may give effect to him.

Nothing herein to alter any law respecting crimes committed out of Her Majesty's dominions.

V. And whereas it may likewise in certain cases be expedient that the sentences passed within such countries and places as aforesaid at the trial of crimes and offences within the same should be carried into effect within Her Majesty's dominions; be it enacted, that if any offender shall have been sentenced to suffer death or imprisonment for or in respect of any crime or offence of which such offender shall have been lawfully convicted before any Judge, Magistrate, or other officer of Her Majesty within any such country or place as aforesaid, it shall be lawful for any person having authority derived from Her Majesty in that behalf, by warrant under his hand and seal, to cause such offender to be sent to any *British* colony (*a*) which Her Majesty may by any order or orders in council from time to time appoint in that behalf, in order that the sentence so passed upon such offender may be carried into effect within the same; and the Magistrates, gaolers, and other officers to whom it may appertain to give effect to any sentence passed by the Supreme Court exercising criminal jurisdiction within such colony

Power to send convicts for execution or imprisonment to a British colony.

(*a*) See note p. cc.

are hereby empowered and required to do all acts and things necessary to carry into effect the sentence so passed upon such offender, in the same manner as though the same had been passed by such Supreme Court.

Power to transport convicts.

VI. And be it enacted, that if any offender shall have been ordered or sentenced to be transported beyond the seas by any Judge, Magistrate, or other officer of Her Majesty within any such country or place as aforesaid, or, having been adjudged to suffer death, shall have received Her Majesty's most gracious pardon upon condition of transportation beyond the seas, it shall be lawful for any person having authority derived from Her Majesty in that behalf to cause such offender to be sent to any place beyond seas to which convicts may at any time be lawfully transported from any part of Her Majesty's dominions, and, if there shall be no convenient means of transporting such offender without bringing him to *England*, to cause such offender to be brought to *England* in order to be transported, and to be imprisoned in any place of confinement provided under the authority of any law or statute relating to the transportation of offenders convicted in *England*, until such offender shall be transported or shall become entitled to his liberty; and as soon as any such offender shall have arrived at the place to which he may be transported, or, if brought to *England*, shall have been there imprisoned as aforesaid, all the provisions, rules, regulations, authorities, powers, penalties, matters, and things concerning the safe custody, confinement, treatment, and transportation of any offender convicted in *Great Britain* shall extend and be construed to extend to such offender as fully and effectually, to all intents and purposes, as if such offender had been convicted and sentenced at any Session of gaol delivery holden for any country in *England*.

Limitation of actions.

VII. And be it enacted, that if any suit or action shall be brought in any Court within Her Majesty's dominions against any person or persons for anything done in pursuance of any such power or jurisdiction of Her Majesty as aforesaid or of this Act, then and in every such case such action or suit shall be commenced or prosecuted within six months after the fact committed, and not afterwards, except where the cause of action shall have arisen out of Her Majesty's dominions, and then within six months after the plaintiff or plaintiffs and defendant or defendants shall have been within the jurisdiction of the Court in which the same may be brought; and the same and every such action or suit shall be brought in the country or place where the cause of action shall have arisen, and not elsewhere, except where the cause of action shall have arisen out of Her Majesty's dominions; and the defendant or defendants shall be entitled to the like notice, and shall have the like privilege of tendering amends to the plaintiff or plaintiffs, or their agent or attorney, as is provided in actions brought against any Justice of the Peace for acts done in the execution of his office by an Act passed in the twenty-fourth year of the reign of King *George* the second, intituled an Act for the rendering Justices of the Peace more safe in the execution of their office, and for indemnifying con-

24 G. 2, c. 44.

stables and others acting in obedience to their warrants; and the defendant or defendants in every such action or suit may plead the general issue, and give the special matter in evidence; and if the matter or thing complained of shall appear to have been done under the authority and in execution of any such power or jurisdiction of Her Majesty as aforesaid or of this Act, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other country or place than the same ought to have been brought or laid in as aforesaid, then the jury shall find for the defendant or defendants; and if the plaintiff or plaintiffs shall become nonsuit, or discontinue any action after the defendant or defendants shall have appeared, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurer judgment shall be taken against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases of law.

Repeal of Section 4 of 6 G. 4., c. 33 and of 6 & 7 W., 4 c. 78.

VIII. And be it enacted, that from and after the first day of *October* in the year one thousand eight hundred and forty-four so much of an Act passed in the sixth year of His late Majesty King *George* the Fourth, intituled an Act to repeal certain Acts relating to the governor and company of merchants of *England* trading to the *Levant Seas*, and the duties payable to them; and to authorize the transfer and disposal of the possessions and property of the said governor and company for the public service, as provides, "that from and immediately after the enrolment of any such deed or instrument as therein mentioned all such rights and duties of jurisdiction and authority over His Majesty's subjects resorting to the ports of the *Levant*, for the purposes of trade and otherwise, as were lawfully exercised and performed, or which the Letters Patent or Acts by the said Act recited, or any of them, authorized to be exercised and performed, by any consul or other officers appointed by the said company, or which such consuls or other officers lawfully exercised and performed under and by virtue of any power or authority whatever, should, from and after the enrolment of such deed or instrument as aforesaid, be and become vested in and should be exercised and performed by such consuls and other officers respectively as His Majesty might be pleased to appoint for the protection of the trade of His Majesty's subjects in the ports and places respectively mentioned in the said Letters Patent and Acts, or any or either of them," and also that from and after the passing of this Act an Act passed in the Parliament holden in the sixth and seventh years of His said late Majesty King *William* the Fourth, intituled An Act to enable His Majesty to make regulations for the better defining and establishing the powers and jurisdiction of His Majesty's consuls in the *Ottoman* Empire, shall be and the same as hereby repealed, save as to any matter or thing theretofore done under the authority of the same respectively.

Act may be amended, &c.

IX. And be it enacted, that this Act may be amended or repealed by any Act to be passed during this Session of Parliament.

28 & 29 VICTORIÆ CAP. CXVI.

AN ACT *to explain the Foreign Jurisdiction Act.*

[*5th July* 1865.]

Be it declared and enacted, &c.

Meaning of "British colony" in 6 & 7 Vic., *c.* 94.

I. In the Foreign Jurisdiction Act (that is to say, the Act of the Session of the sixth and seventh years of Her Majesty's reign, Chapter ninety-four, "to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual)," the term "*British* colony" includes and shall be construed to include any of Her Majesty's possessions out of the United Kingdom.

Short title.

II. This Act may be cited as The Foreign Jurisdiction Act Amendment Act, 1865.

Foreign 9

Act No. XI. of 1872.

Passed by the Governor General of India in Council.

(Received the assent of the Governor General on the 25th April 1872).

An Act to provide for the trial of offences committed in places beyond British India and for the Extradition of Criminals.

Preamble.

Whereas by treaty, capitulation, agreement, grant, usage, sufferance and other lawful means, the Governor General of India in Council has power and jurisdiction within divers places beyond the limits of British India; and whereas such power and jurisdiction have from time to time been delegated to Political Agents and others acting under the authority of the Governor General in Council; and whereas doubts have arisen how far the exercise of such power and jurisdiction, and the delegation thereof, are controlled by and dependent on the laws of British India; and whereas it is expedient to remove such doubts, and to consolidate and amend the law relating to the exercise and delegation of such power and jurisdiction, and to offences committed by British subjects beyond the limits of British India, and to the extradition of criminals; It is enacted as follows:—

1.

Short title.

This Act may be called "The Foreign Jurisdiction and Extradition Act, 1872."

Extent.

It extends to the whole of British India;

to all Native Indian subjects of Her Majesty without and beyond the Indian territories under the dominion of Her Majesty; and

to all European British subjects within the dominions of Princes and States in India in alliance with Her Majesty;

Commencement.

and it shall come into force on the passing thereof.

2.

Repeal of enactments.

The enactments mentioned in the first schedule hereto annexed are repealed to the extent specified in the third column thereof.

3.

'Political Agent' defined.

In this Act the expression 'Political Agent' means and includes—

(1) the principal officer representing the British Indian Government in any territory or place beyond the limits of British India;

(2) any officer in British India appointed by the Governor General in Council, or the Governor in Council of the Presidency of Fort St. George or Bombay, to exercise all or any of the powers of a Political Agent under this Act for any place not forming part of British India;

'Native State.'

'Native State' means,

in reference to Native Indian subjects of Her Majesty, all places without and beyond the Indian territories under the dominion of Her Majesty; and,

in reference to European British subjects, the dominions of Princes and States in India in alliance with Her Majesty.

Powers of British Officers in Places beyond British India.

4.

Exercise of powers of Governor General in places beyond British India, and delegation thereof.

The Governor General in Council may exercise any power or jurisdiction which the Governor General in Council now has, or may at any time hereafter have, within any country or place beyond the limits of British India; and may delegate the same to any servant of the British Indian Government, in such manner and to such extent as to the Governor General in Council from time to time seems fit.

5.

Notification of exercise or delegation of such powers.

A notification in the *Gazette of India* of the exercise by the Governor General in Council of any such power or jurisdiction, and of the delegation thereof by him to any person or class of persons, and of the rules of procedure or other conditions to which such persons are to conform, and of the local area within which their powers are to be exercised, shall be conclusive proof in any Court of the truth of the matters stated in the notification.

6.

Appointment, powers and jurisdiction of Justices of the Peace.

The Governor General in Council may appoint any European British subject, either by name or by virtue of his office, in any such country or place, to be a Justice of the Peace; and every such Justice of the Peace shall have all the powers conferred on Magistrates of the first class, who are Justices of the Peace and European British subjects, by any law for the time being in force in British India relating to Criminal Procedure. The Governor General in Council may direct to what Court having jurisdiction over European British subjects any such Justice of the Peace is to commit for trial.

7.

Confirmation of existing Political Agents and Justices.

All Political Agents and all Justices of the Peace heretofore appointed by the Governor General in Council, or the Governor in Council of the Presidency of Fort St. George or Bombay, in any such country or place as aforesaid, shall be deemed to be and to have been appointed, and to have and to have had jurisdiction, under the provisions of this Act.

8.

Extension of criminal law of British India to British subjects in Native States.

The law relating to offences and to Criminal Procedure for the time being in force in British India shall, subject as to procedure to such modifications as the Governor General in Council from time to time directs, extend to all British subjects, European and Native, in Native States.

Inquiries, in British India, into Crimes committed by British subjects in Places beyond British India.

9.

Liability of British subjects for offences committed in Native States.

All British subjects, European and Native, in British India may be dealt with, in respect of offences committed by them in any Native State, as if such offences had been committed in any place within British India in which any such subject may be or may be found:

Political Agent to certify fitness of inquiry into charge.

Provided that no charge as to any such offence shall be inquired into in British India, unless the Political Agent, if there be such, for the territory in which the offence is said to have been committed, certifies that, in his opinion, the charge is one which ought to be inquired into in British India:

Provided also that any proceedings taken against any person under this section, which would be a bar to subsequent proceedings against such person for the same offence, if such offence had been committed in British India, shall be a bar against further proceedings against him, under this Act, in respect of the same offence in any Native State.

10.

Power to direct copies of depositions and exhibits to be received in evidence.

Whenever any such offence as is referred to in section nine, is being inquired into or tried, the Local Government may, if it thinks fit, direct that copies of depositions made or exhibits produced before the Political Agent or a Judicial Officer in the State in which such offence is alleged to have been committed shall be received as evidence by the Court holding such inquiry or trial, in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

Extradition.

11.

Arrest and removal of persons, other than European British subjects, escaping into British India.

When an offence has been committed, or is supposed to have been committed, in any State against the law of such State by a person not being a European British subject, and such person escapes into or is in British India, the Political Agent for such State may issue a warrant for his arrest and delivery at a place in such State, and to a person to be named in the warrant,

if such Political Agent thinks that the offence is one which ought to be inquired into in such State,

and if the act said to have been done would, if done in British India, have constituted an offence against any of the sections of the Indian Penal Code mentioned in the second schedule hereto, or under any other section of the

said Code or any other law which may, from time to time, be specified by the Governor General in Council by a notification in the *Gazette*.

12.

Direction and execution of warrant.

Such warrant may be directed to the Magistrate of any district in which the accused person is believed to be; and shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrant; and the accused person, when arrested, shall be forwarded to the place and delivered to the officer named in the warrant.

13.

Political Agent may himself dispose of case, or make over person to ordinary Courts for trial.

Such Political Agent may either dispose of the case himself, or may give over the person so forwarded, whether he be a Native Indian subject of Her Majesty or not, to be tried by the ordinary Courts of the State in which the offence was committed, if he is generally or specially directed to do so by the Governor-General in Council, or by the Governors in Council of the Presidency of Fort St. George or Bombay respectively.

14.

Requisitions for extradition by the executive of any part of British dominions, or Foreign power.

Whenever a requisition is made to the Governor-General in Council or any Local Government, by or by the authority of the persons for the time being administering the executive government of any part of the dominions of Her Majesty, or the territory of any Foreign Prince or State, that any person accused of having committed an offence in such dominions or territory should be given up, the Governor-General in Council or such Local Government, as the case may be, may issue an order to any Magistrate who would have had jurisdiction to inquire into the offence if it had been committed within his local jurisdiction, directing him to inquire into the truth of such accusation.

The Magistrate so directed shall issue a summons or warrant for the arrest of such person, according as the offence named appears to be one for which a summons or warrant would ordinarily issue; and shall inquire into the truth of such accusation, and shall report thereon to the Government by which he was directed to hold the said inquiry. If, upon receipt of such report, such Government is of opinion that the accused person ought to be given up to the persons making such requisition, it may issue a warrant for the custody and removal of such accused person and for his delivery at a place and to a person to be named in the warrant.

The provisions of section ten shall apply to inquiries held under this section.

This section shall not affect the provisions of any law or treaty for the time being in force as to the extradition of offenders; but the procedure provided by any such law or treaty shall be followed in every case to which it applies.

15.

Power to make rules.

The Governor-General in Council may make, and may from time to time alter, rules to provide for—

(1) the confinement, diet, and prison discipline of British subjects, European or Native, imprisoned by Political Agents under this Act;

(2) the removal of accused persons under this Act, and their control and maintenance until such time as they are handed over to the persons named in the warrant, as entitled to receive them;

(3) and generally to carry out the purposes of this.

SCHEDULE I.

ENACTMENTS REPEALED.

[*See Section* 2.]

Number and year.	Title.	Extent of repeal.
26 Geo. III., Cap. 57.	An Act for the further Regulation of the trial of persons accused of certain offences committed in the East Indies; for repealing so much of an Act, made in the twenty-fourth year of the reign of His present Majesty (intituled an Act for the better Regulation and Management of the affairs of the East India Company, and of the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies), as requires the Servants of the East India Company to deliver Inventories of their Estates and Effects; for rendering the Laws more effectual against persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of Deeds and Writings executed in Great Britain or India.	Section 29.
33 Geo. III., Cap. 52.	An Act for continuing in the East India Company, for a further term; the possession of the British Territories in India, together with their exclusive trade, under certain limitations; for establishing further Regulations for the government of the said territories, and the better Administration of Justice within the same; for appropriating to certain uses the Revenues and Profits of the said Company; and for making provision for the good order and government of the Towns of Calcutta, Madras, and Bombay.	Section 67.
Act I. of 1849.	An Act to provide more effectually for the punishment of offences committed in Foreign States.	So much as is unrepealed.
Act VII. of 1854.	An Act for the apprehension, within the territories under the Government of the East India Company, of persons charged with the commission of heinous offences beyond the limits of the said territories, and for delivering them up to Justice, and to provide for the execution of warrants in places out of the Jurisdiction of the authorities issuing them.	So much as is unrepealed.

SCHEDULE II.

SECTIONS OF THE INDIAN PENAL CODE REFERRED TO IN SECTION 11.

Sections 230 to 263, both inclusive; Sections 299 to 304, both inclusive; Sections 307, 310, and 311; Sections 312 to 317, both inclusive; Sections 323 to 333, both inclusive; Sections 347 and 348; Sections 360 to 373, both inclusive; Sections 375 to 377, both inclusive; Sections 378 to 414, both inclusive; Sections 435 to 440, both inclusive; Sections 443 to 446, both inclusive; Sections 464 to 468, both inclusive; Sections 471 to 477, both inclusive.

The following RULES have been made by the GOVERNOR GENERAL in COUNCIL in exercise of the POWERS conferred on him by SECTIONS 13 and 15 of this ACT.

1. The Political Agent shall not issue a warrant under Section 11 of the Act in any case which is provided for by Treaty, if the Native State expressly desires to abide by the procedure of the Treaty, nor in any case in which application for surrender is made under Section 14 to the Governor-General in Council or any local Government.

2. The Political Agent shall not issue a warrant under Section 11, except on a request preferred to him in writing by, or by the authority of the person for the time being administering the executive Government of the Native State at which he is the British representative, and on the understanding that the provisions of Act XI. of 1872 and of these rules are to apply to the case.

3. If the accused be a British subject, the Political Agent shall, before issuing such a warrant, consider whether he ought not to certify the case as one for trial in British India; and he shall, instead of issuing a warrant, so certify the case, if he is satisfied that the interests of justice and the convenience of witnesses can be better served by the trial being held in British India than in the Native State.

4. The Political Agent shall in all cases, before issuing a warrant under Section 11, satisfy himself by preliminary enquiry that there is a *primâ facie* case against the accused, and that the charge is not prompted by political motives.

5. If the person surrendered under the warrant of a Political Agent, issued under Section 11, be not a British subject; or if, such person being a British subject, the Courts of the State, either by custom or by the express recognition of the Governor-General in Council, try Native British subjects surrendered to them by extradition, and the Political Agent after hearing the statement, if any, of the accused, and making such further enquiry as he may deem necessary, is still satisfied that there is a *primâ facie* case against the accused, and that the charge is not prompted by political motives, the Political Agent shall make over the accused to be tried by the ordinary Courts of the State in which the offence was committed; provided that the Courts of the State have, by custom or recognition as aforesaid, power to inflict the punishment which may be inflicted under the Indian Penal Code for the offence with which the accused person is charged.

6. If the accused be a British subject, but the Courts of the State do not by custom or recognition as aforesaid try Native British subjects, the Political Agent shall dispose of the case himself.

7. If the punishment which may be awarded under the Indian Penal Code for any offence for which an accused person has been surrendered as above be more than the Courts of the State by custom or recognition as aforesaid inflict, the Political Agent may try the case himself, if he thinks it advisable to do so.

8. Notwithstanding anything in the three preceding Rules, the Political Agent shall try any such case himself or make it over for trial by the ordinary Courts of the State, if he be generally or specially instructed by the Governor-General in Council so to do.

9. In cases made over for trial by the Courts of a Native State under Rules 5 and 7, the Political Agent shall satisfy himself that the accused receives a fair trial, and that the punishment inflicted in the case of his conviction is not excessive or barbarous; and if he is not so satisfied, he shall demand the restoration of the prisoner to his custody pending the orders of Government.

10. A Return of all persons made over for trial by the Courts of a Native State under Rules 5 and 7 shall be submitted half-yearly by the Political Agent to the Government of India or the Government of Madras or Bombay, as the case may be, in the following form :—

Half-yearly Return, under Rule 9 of the Rules under the Extradition Act (XI.) of 1872, of persons made over by the Political Agent at for trial by the Courts of Native States under Rules 5 and 7 for the period ending

Number.	Name of person.	Nationality.	Offence with which charged.	Where arrested.	Date of surrender.	Native State to which surrendered for trial.	Reasons for surrender.	Nature of sentence passed, with date of sentence.	Remarks.

11. Persons arrested in British territory on a warrant issued by a Political Agent under Section 11, and persons arrested on a warrant issued under Section 14, shall be treated as far as possible in the same way as persons under trial for a similar offence would be treated under the Code of Criminal Procedure or under the procedure in force in the Presidency towns, if the arrest take place within any Presidency town.

12. Persons sentenced to imprisonment by the Political Agent shall, if British subjects, be conveyed to the most convenient jail in British territory, there to be dealt with as though the conviction had taken place in a Court of British India; provided always that no appeal shall thereby be given other than is allowed by any rule for regulating appeals from the decisions of the Political Agent.

13. Nothing in Rules 5 to 10 inclusive, which refer to cases under Section 13 of the said Act, shall be deemed to apply to Political Agents immediately under the authority of the Governor in Council of the Presidency of Fort St. George or the Governor in Council of the Presidency of Bombay.

CIRCULAR INSTRUCTIONS to COMMANDERS of HER MAJESTY'S SHIPS and VESSELS for the receipt of FUGITIVE SLAVES on board Ships, dated 5th December 1875.

My Lords Commissioners of the Admiralty are pleased to issue the following Instructions for the guidance of the Commanders of Her Majesty's ships in reference to the receipt of fugitive slaves.

These Instructions are to be considered part of the General Slave-Trade Instructions, and to be inserted at page 29 of that volume, with the heading of "Receipt of Fugitive Slaves," but they are also intended for the guidance of Commanders of Her Majesty's ships generally.

93A. When any person professing or appearing to be a fugitive slave seeks admission to your ship on the high seas, beyond the limit of territorial waters, and claims the protection of the British flag, you will bear in mind that, although Her Majesty's Government are desirous by every means in their power to remove or mitigate the evils of slavery, yet Her Majesty's ships are not intended for the reception of persons other than their officers and crew. You will satisfy yourself, therefore, before receiving the fugitive on board, that there is some sufficient reason in the particular case for thus receiving him.

93B. In any case in which, for reasons which you deem adequate, you have received a fugitive slave into your ship, and taken him under the protection of the British flag upon the high seas, beyond the limit of territorial waters, you should retain him in your ship, if he desires to remain, until you have landed him in some country, or transferred him to some other ship, where his liberty will be recognized and respected.

93C. Within the territorial waters of a foreign State, you are bound, by the comity of nations, while maintaining the proper exemption of your ship from local jurisdiction, not to allow her to become a shelter for those who would be chargeable with a violation of the law of the place. If, therefore, while your ship is within the territorial waters of a State where slavery exists, a person professing or appearing to be a fugitive slave seeks admission into your ship, you will not admit him, unless his life would be in manifest danger if he were not received on board. Should you, in order to save him from this danger, receive him, you ought not, after the danger is past, to permit him to continue on board; but you will not entertain any demand for his surrender, or enter into any examination as to his status.

93D. If, while your ship is in the territorial waters of any Chief or State in Arabia, or on the shores of the Persian Gulf, or on the East Coast of Africa, or in any island lying off Arabia or off such coasts or shores, including Zanzibar, Madagascar, and the Comoro Islands, any person should claim admission to your ship and protection on the ground that he has been kept in a state of slavery contrary to Treaties existing between Great Britain and the territory, you may receive him until the truth of his statement is examined into. In making this examination, it is desirable that you should communicate with the nearest British Consular authority, and you should be guided in your subsequent proceedings by the result of the examination. In any case of doubt or difficulty, you should apply for further instructions either

to the Senior Officer of your Division, or the Commander-in-chief; who will, if necessary, refer to the Admiralty.

93 E. A special report is to be made of every case of a fugitive slave seeking refuge on board your ship.

By command of their Lordships.

(Sd.) VERNON LUSHINGTON.

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